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MEETING

STATE OF CALIFORNIA

INTEGRATED WASTE MANAGEMENT BOARD

STRATEGIC POLICY DEVELOPMENT COMMITTEE

JOE SERNA JR., CAL/EPA HEADQUARTERS BUILDING

1001 I STREET

COASTAL HEARING ROOM

SACRAMENTO, CALIFORNIA

MONDAY, NOVEMBER 10, 2008

1:36 P.M.

JAMES F. PETERS, CSR, RPR  
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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Ms. Margo Reid Brown, Chairperson

Mr. Wesley Chesbro

Ms. Rosalie Mul

Ms. Cheryl Peace

Mr. Gary Petersen

STAFF

Mr. Mark Leary, Executive Director

Mr. Elliot Block, Chief Counsel

Mr. Jim Cropper, Special Materials Analysis Section

Mr. Howard Levenson, Director, Local Jurisdiction, State  
Agency & Business Assistance Program

Ms. Brenda Smyth, Chief, Statewide Technical & Analytical  
Resources Division

Mr. Clark Williams, Supervisor, Climate Change &  
Technology Section

Ms. Shirley Willd-Wagner, Chief, Financial Assistance  
Division

ALSO PRESENT

Mr. Arthur Boone, Northern California Recycling  
Association

Mr. John Cupps, Los Angeles County Sanitation Districts

Mr. Bryce Docherty, California Society of Health, System  
Pharmacists

Dr. Steve Gray, California Pharmacists Association

Ms. Virginia Herold, Board of Pharmacy

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APPEARANCES CONTINUED

ALSO PRESENT

Ms. Sharon Newton, Department of Environment, San Francisco

Ms. Rachel Oster, NorCal Waste Systems, Inc.

Ms. Heidi Sanborn, California Product Stewardship Council,  
Central Sierra Sharps Coalition, Mariposa County

Mr. Larry Sweetser, Rural Counties ESJPA

Mr. Chuck White, Waste Management

Ms. Marjaneh Zarrehparvar, Department of Environment, San Francisco

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1 PROCEEDINGS

2 CHAIRPERSON BROWN: Good afternoon. Welcome to  
3 the November 10th meeting of the Strategic Policy  
4 Development Committee.

5 Kristen, can you call the roll.

6 COMMITTEE SECRETARY GARNER: Chesbro?  
7 Mulé?

8 COMMITTEE MEMBER MULÉ: Here.

9 COMMITTEE SECRETARY GARNER: Peace?

10 COMMITTEE MEMBER PEACE: Here.

11 COMMITTEE SECRETARY GARNER: Petersen?

12 COMMITTEE MEMBER PETERSEN: Here.

13 COMMITTEE SECRETARY GARNER: Brown?

14 CHAIRPERSON BROWN: Here.

15 A couple of quick announcements. There are  
16 agendas on the back table. If anyone would like to speak  
17 to any of the items that are on the agenda today, please  
18 fill them out and take them up to Kristen.

19 And we are going -- we have a brief closed  
20 session. So we're going to go into closed session right  
21 now for about five, maybe ten minutes at the most.

22 So bear with us. We will be back in about five  
23 minutes.

24 (Thereupon the meeting recessed  
25 Into closed session at 1:37 p.m.)

1 (Thereupon the meeting reconvened

2 at 1:47 p.m.)

3 CHAIRPERSON BROWN: Thank you very much for your  
4 patience.

5 Let the record show that Member Chesbro joined us  
6 immediately prior to going into closed session.

7 And, Kristen, can you call the roll again.

8 COMMITTEE SECRETARY GARNER: Chesbro?

9 COMMITTEE MEMBER CHESBRO: Here.

10 COMMITTEE SECRETARY GARNER: Mulé?

11 COMMITTEE MEMBER MULÉ: Here.

12 COMMITTEE SECRETARY GARNER: Peace?

13 COMMITTEE MEMBER PEACE: Here.

14 COMMITTEE SECRETARY GARNER: Petersen?

15 COMMITTEE MEMBER PETERSEN: Here.

16 COMMITTEE SECRETARY GARNER: Brown?

17 CHAIRPERSON BROWN: Here.

18 Went through all the announcements ahead of time.

19 Mark, I'd like to turn it over to you briefly for  
20 some issues.

21 EXECUTIVE DIRECTOR LEARY: A quick report.

22 Yes, Madam Chair. I asked for an opportunity  
23 just to discuss with you very briefly a breaking event  
24 occurring in the world of recyclable commodity markets.

25 Some of you are aware of a number of recent

1 reports regarding the collapse of the recyclable commodity  
2 market in China and the rest of the world. Today's  
3 article in the Sacramento Bee on the front page of the  
4 Region section is but one example.

5           Prices have dropped significantly in the last few  
6 months. But within the last two weeks it has been  
7 reported that the markets have come to an unprecedented  
8 standstill. It's not just that prices are lower. Reports  
9 are that material are literally not moving. This state of  
10 affairs has caused a back-up of materials at sites in  
11 California. And there are sites that are having to find  
12 places to stockpile bales of recyclables on-site until  
13 they can find buyers.

14           For many permitted sites, this may quickly turn  
15 into a permit violation, depending on the specific  
16 circumstances in terms of conditions at a specific site.

17           The alternative to stockpiling these materials,  
18 if a buyer cannot be found, would be to send them to a  
19 landfill for disposal, obviously an outcome we don't  
20 desire.

21           For the long term, Madam Chair, members, we are  
22 proposing some discussion at the December Board meeting.  
23 We think probably most likely in the Markets Committee  
24 we'll put together a panel of external experts to present  
25 and give their perspective on how this issue is affecting

1 California's recyclable markets, and explore as many ways  
2 as we possibly can to provide some assistance and some  
3 guidance to our stakeholders on how to participate here.

4 But in the short term, a question's been raised  
5 to me about whether or not a temporary waiver of terms and  
6 conditions could be issued under these circumstance as a  
7 regulatory relief for these permitted facilities.

8 In looking at this issue, it's important to  
9 remember that a temporary waiver is issued by the LEA  
10 based on an agreement with the operator, not by myself or  
11 the Board. Temporary waivers are not an across-the-board  
12 waiver of all facilities for a certain type, but a  
13 site-by-site waiver for individual facilities.

14 The waiver is for specific terms and conditions  
15 in a permit, not a waiver of State minimum standards or  
16 other permits or environmental protection standards.

17 As we've begun to review this issue, I note that  
18 the regulations expressly indicate that a temporary waiver  
19 is not allowed to deal with competitive market changes.  
20 However, I'm in the process, along with our Chief Counsel,  
21 and, of course, all the program people, of determining  
22 whether that language in the regs was intended to deal  
23 with the unprecedented situation we're dealing with today,  
24 or if it was meant to exclude normal market fluctuations  
25 of price that could have been reasonably foreseen and

1 planned for.

2           So in the coming days I'll be working with staff  
3 and counsel's office to verify the factual situations have  
4 been identified in the regulatory record in hopes of  
5 determining whether or not these certain circumstances  
6 would be eligible for a temporary waiver. If so, we'll  
7 issue appropriate guidance to the LEAs letting them know  
8 that they can explore issuing temporary waivers for these  
9 circumstances.

10           I want to emphasize that this allowance will  
11 provide some temporary flexibility in dealing with the  
12 unique situation, but it would not, by any means, provide  
13 a solution to this worldwide problem. Were we to allow  
14 for the possibility of temporary waivers, all the other  
15 requirements in the regs would apply. For instance, all  
16 waivers would still need to have the LEA determine that  
17 the waiver of terms and conditions was necessary in order  
18 to protect public health and safety or the environment.  
19 The facility would still have to be compliant with all  
20 applicable land-use entitlements, all other permits  
21 affecting the facility, all applicable federal, State and  
22 local laws, regulations, and the California Environmental  
23 Quality Act. And operations of the facility under the  
24 waiver would not be allowed to pose a threat to public  
25 health, safety, the environment.

1           So as we go forward, Madam Chair and members,  
2 we'll be working on this issue, wanted you to know we're  
3 aware of it and doing the best that we could right off the  
4 bat. And we'll be having much more discussion in December  
5 with you and with our stakeholders.

6           Thank you for that opportunity to brief you on  
7 the situation.

8           CHAIRPERSON BROWN: Thank you, Mark. I  
9 appreciate it.

10          Any questions of Mark?

11          COMMITTEE MEMBER MULÉ: I just want to thank Mark  
12 and staff for acting so expeditiously on this issue. I  
13 know that Board Member Petersen and myself have been  
14 receiving calls, been meeting with stakeholders, Emails.  
15 This particular downturn in the market is unprecedented,  
16 in that it is -- it happened so suddenly and it's so  
17 drastic. And so I really do appreciate our staff's  
18 responsiveness to this in the short term. And I look  
19 forward to Board Member Petersen to the December Markets  
20 Committee meeting and the subsequent discussions.

21          Thank you.

22          CHAIRPERSON BROWN: Thank you.

23          We do have one brief comment during Public  
24 Comment period.

25          Mr. Boone.

1           And if you could restate your full name for the  
2 record.

3           MR. BOONE: Certainly. My name's Arthur Boone.  
4 I'm the Education Chair of the Northern California  
5 Recycling Association. And some of our members are very  
6 heavily dislocated by these practices, what's going on in  
7 the market today.

8           And the thing that's important, I think, is you  
9 have to understand that the problem is -- if you remember  
10 the days when we had agricultural surpluses back in the  
11 fifties, people were plowing through the fields, turning  
12 the crops under because there was no market for them. And  
13 over a ten-year period, the federal government devised a  
14 strategy to basically manage all of that material so it  
15 was creatively used. It was the basis of a lot of our  
16 shipment of food stuffs to foreign countries. It was a  
17 lot of the basis of a lot of the programs that got poor  
18 people wheat and sugar and corn starch and all the --  
19 peanuts -- all the kind of things that essentially --  
20 because what happened was a national policy got created  
21 because of the fact that American farmers could create  
22 more materials than the world economy, as we understood it  
23 at that time, could absorb, and so there was a whole  
24 change in policy direction, which essentially meant that  
25 no food would be wasted in this country.

1           What we do not have, although the federal  
2 government has had a materials management policy for 50  
3 years, we have nothing similar when it comes to looking at  
4 things like cardboard and glass and metal and plastic.  
5 And that has to change, because otherwise what's going to  
6 happen is a lot of this stuff is going to go to the dump,  
7 a lot of our members of our association are going to go  
8 broke if this goes on too long. And I think it's still --  
9 you know, the stock market one day goes down 700 points  
10 and the next day it comes back 400. We don't really know  
11 what's going on at this point. That's my perception.

12           But it seems to me that it's very important for  
13 the Board to look at this, not so much from the standpoint  
14 of permits for where we're going to store all of this kind  
15 of stuff, but rather how we look at national policy  
16 relative to the management of scrap materials. What my  
17 belief is -- when I came into this industry 25 years ago,  
18 I was told that the basic industries use scrap to fill in  
19 the peaks and valleys of demand. Okay. They still keep  
20 cutting the trees down to make more forests. They keep  
21 mining the ores to make more metal. The question is, if  
22 these prices are down so much, why don't they lay off a  
23 couple of the tree trimmers or tree cutters and buy more  
24 scrap? I don't know. There's no way I'm going to find  
25 out, but you have the power to find out, and I think you

1 should. So that's my point.

2           The other thing I'd like to say just very briefly  
3 is, I think, it was several months ago that Mr. Chesbro  
4 raised the question of whether or not AB -- how AB 32  
5 related to out-of-state emissions. The question of  
6 whether or not we should some way be responsible for --  
7 this was, I think, in August at a meeting, if you  
8 remember, Wesley, you raised that question. AB 32 is not  
9 clear on that subject. It's silent on that matter. It's  
10 very clear on the fact that if electric power is made  
11 outside of the state, that California will be responsible  
12 for the emissions of those powerplants.

13           I heard a figure recently that really surprised  
14 me, because I had no idea of this - 54 percent of the  
15 electricity distributed by the Department of Water and  
16 Power in the City of Los Angeles is actually generated out  
17 of state. I had no idea the number was that high.

18           Okay. Now, when you come to look at the basic  
19 industries -- we had a little meeting of some of the  
20 members of our association, we asked ourselves, "To what  
21 extent is California self-reliant on issues of paper,  
22 plastic, metals?" What we came up with is that we think  
23 about 80 percent of all the paper, plastic and metals  
24 consumed in California actually come from out-of-state  
25 facilities.

1           Maybe in glass, because of the winery industry  
2 and a bunch of other things, we might be self-sufficient  
3 in glass.

4           But all those other industrial emissions are  
5 taking place outside of the state. But it's our  
6 consumption of those resources that essentially drives  
7 those paper mills in Oregon and the smelters in Utah and  
8 places like that.

9           So I would hope very much, Mr. Chesbro, that it  
10 would be possible to amend AB 32 to make that clear that  
11 we are, in fact, responsible -- because we consume the  
12 materials, we're responsible for the emissions of those  
13 factories.

14           Thank you.

15           COMMITTEE MEMBER CHESBRO: Well, Mr. Boone, I  
16 just might have the opportunity to stick that in a bill  
17 somewhere.

18           MR. BOONE: I hope so.

19           (Laughter.)

20           MR. BOONE: Thank you.

21           COMMITTEE MEMBER CHESBRO: I would wish -- or  
22 hope that -- and I've been told by some members of the Air  
23 Board that this is their intent, that they would interpret  
24 it broadly under any circumstance. But when the question  
25 was raised in that meeting by Air Board staff -- and I

1 went back and read it myself. I agree it could be  
2 interpreted to be narrow and not include the emissions  
3 that result from our material management practices -- or  
4 lack of material management practices. And so it  
5 certainly would be advisable to clarify AB 32 to make that  
6 explicit. And that just might happen.

7 CHAIRPERSON BROWN: Add it to your list.

8 Thank you, Mr. Boone, for joining us and for your  
9 comments.

10 We'll go next to our Program Director's report.

11 Do you have one today?

12 Okay. Howard.

13 LOCAL JURISDICTION, STATE AGENCY & BUSINESS

14 ASSISTANCE PROGRAM DIRECTOR LEVENSON: Thank you, Madam  
15 Chair. I'm Howard Levenson with the Sustainability  
16 Program. And I have a couple things I'd like to update  
17 you on before we get to the agenda items.

18 First is to talk a little bit about compost  
19 emissions. Those are a real hot subject these days, and  
20 there's lots of implications for diversion efforts,  
21 climate change activities in our own strategic directives.

22 I just wanted to let you know that thanks to the  
23 work of Bob Horowitz and John Sitts' web team, we've got a  
24 new web page that's got a lot of information about compost  
25 emissions. So you go to one spot, get all the information

1 that we have in terms of studies, regulatory efforts, best  
2 management practices, PowerPoint presentations, and so on.  
3 So people who would like that can get ahold of me and I  
4 can give you the website for that.

5           Related to that, I just got notice today - and  
6 you'll have a report on this your weekly report - that the  
7 San Joaquin Valley Unified Air Pollution Control District,  
8 which is the agency responsible for Rule 4566, the  
9 proposal to restrict emissions from green waste  
10 composting, their staff announced this week that they'll  
11 ask their governing board for an 18-month delay in the  
12 decision making on that rule. Their board won't meet  
13 until mid-December, but they have indicated that the  
14 purpose of the delay is to allow time to conduct research  
15 on the efficacy of best management practices. And, of  
16 course, Bob and Board members and others have really been  
17 involved in that rule-making and have convinced the  
18 district staff that, you know, we have better information  
19 about the amount of compost emissions and about best  
20 management practices. So that's good news.

21           Secondly, I wanted to just highlight the -- we  
22 had our Zone Works Conference last week -- or week and a  
23 half ago, I guess - it's passing too quickly - and we had  
24 over 80 attendees. We had 24 zones in attendance. We  
25 also had representatives from two potential new zones, so

1 they were there interacting with everybody. Member Mul  
2 was there and she spoke about the markets issue and I  
3 think that stimulated a lot of discussion among the zone  
4 administrators.

5           You know, among other things, although there's  
6 not a lot that the State can do in terms of affecting  
7 global markets, we certainly can look at local and  
8 regional market development. And the loan program is one  
9 tool that we have and, you know, we have credit available  
10 in the loan program. Not a lot, but we have some. So  
11 there are things we can do to try and stimulate, you know,  
12 local use of those materials, little longer term than  
13 people would need in the immediate future.

14           The next training is in February. It will be in  
15 northern California.

16           And, lastly, I just want to let you know what's  
17 coming up next month and in January. Next month we'll  
18 have, of course, the panel discussion on this market  
19 issue. We'll have an update on all of our organics  
20 activities - Road Map 2. So that will be a very  
21 comprehensive presentation. We will have the annual  
22 report from our Tire Business Assistance Program  
23 contractor. So this will be giving you an update on all  
24 the activities related to individual business assistance  
25 and the sector-wide assistance that we've been providing

1 through that program.

2           And then, of course, we have all of our outreach  
3 that's already started on SB 1016, our new Disposal  
4 Measurement Act. We've already met with our RCRC and  
5 CSAC, as well as we had a webinar last week with Monterey  
6 and some of the associated counties. We've got  
7 meetings -- a lot of local task force meetings, but  
8 workshops scheduled with Riverside -- or Coachella Valley  
9 Coalition of Governments -- Council of Governments. We've  
10 got a workshop in the Bay Area in mid-November. We'll be  
11 at the CSAC annual conference with a booth. We've got a  
12 meeting down in Ventura in December. And then workshops  
13 in early January, one in Los Angeles, one here, and then  
14 another one with -- a meeting the CRRC statewide  
15 membership.

16           So there will be others scheduled as well, but  
17 there's already a lot going on. And we will have a  
18 website up very soon that will have all of that  
19 information, guidance documents, FAQs, details on all the  
20 outreach activities.

21           So we've hit the ground running. I think we're  
22 doing a great job on getting that word out. And we look  
23 forward to full implementation of that.

24           That concludes my Director's report. I'd be  
25 happy to answer any questions.

1 CHAIRPERSON BROWN: Excellent, Howard.

2 Anybody have any questions for Howard?

3 Good job.

4 LOCAL JURISDICTION, STATE AGENCY & BUSINESS

5 ASSISTANCE PROGRAM DIRECTOR LEVENSON: Thank you.

6 CHAIRPERSON BROWN: Grand, Gary?

7 COMMITTEE MEMBER PETERSEN: Grand job.

8 CHAIRPERSON BROWN: Grand.

9 Okay. With that, we'll move to Item B, Board

10 Item 3, first item on our agenda.

11 LOCAL JURISDICTION, STATE AGENCY & BUSINESS

12 ASSISTANCE PROGRAM DIRECTOR LEVENSON: Thank you, Madam

13 Chair.

14 (Thereupon an overhead presentation was

15 Presented as follows.)

16 LOCAL JURISDICTION, STATE AGENCY & BUSINESS

17 ASSISTANCE PROGRAM DIRECTOR LEVENSON: This is

18 Consideration of the Used Oil Competitive Grant Programs,

19 and the request that we defer those three programs this

20 year.

21 As you know, the Used Oil Recycling Program has a

22 long and very successful history of promoting the

23 collection and recycling of used oil from the public. And

24 we annually provide noncompetitive block grants to all

25 interested jurisdictions in the state. And that amounts

1 to about \$10 million a year.

2 We also have offered three competitive grant  
3 programs, with the latest awards for these just being last  
4 May of this year. And it's those three competitive grants  
5 that are the subject of this item.

6 Surely we'll talk more about this. But at the  
7 May item -- or May meeting we indicated that because the  
8 program's been in place for so long and because revenues  
9 into the fund have been declining and are projected -- or  
10 have been flattening and they've been projecting to  
11 decline, that we'd conduct a program evaluation.

12 Part of that evaluation concerned these  
13 competitive grant programs. And so for a number of  
14 reasons, that surely we'll go over, we're seeking your  
15 approval to defer this cycle for one year.

16 We also will plan to bring you preliminary  
17 results from the entire program evaluation when we bring  
18 the used oil allocation item to you, which probably will  
19 be January, possibly February.

20 With that, I'd like to turn it over to Shirley  
21 Willd-Wagner.

22 FINANCIAL ASSISTANCE DIVISION CHIEF WILLD-WAGNER:

23 Good afternoon, Chair Brown and Board members.

24 Howard kind of summarized what we're going to do  
25 here today. And I'll just go over some of the basics and

1 some of the rationale that's elucidated in the item.

2 --o0o--

3 FINANCIAL ASSISTANCE DIVISION CHIEF WILLD-WAGNER:

4 As you know, the California Oil Recycling  
5 Enhancement Act does have the intent of preventing illegal  
6 disposal in establishing convenient collection  
7 opportunities for the public. And one of the key ways  
8 that we do that and accomplish those goals is through the  
9 grants to local jurisdictions and other entities. We have  
10 the block grants, of course, which are entitlement grants  
11 based on population calculation. And then statute also  
12 provides for three additional programs. These programs -  
13 the opportunity grants, nonprofit grants, and research  
14 testing and demonstration grants - are permissive in  
15 statute; and although it's not specified that they be  
16 competitive, we have always awarded them as competitive  
17 grants.

18 Those three - opportunities, nonprofit, and  
19 RTD - are for limited purposes as stated in statute and  
20 they're -- nonprofit grants are going to local nonprofit  
21 organizations that work with local jurisdictions to  
22 provide containers and supplies and obtain equipment and  
23 establish procedures to support local certified centers  
24 and to comply with State, federal, local laws. So you see  
25 it's kind of limited.

1 Same with the research, testing and demonstration  
2 grants. Per statute, these can be private entities,  
3 nonprofits or local jurisdictions to come up with new  
4 collection technologies, develop uses for products  
5 resulting from used oil.

6 --o0o--

7 FINANCIAL ASSISTANCE DIVISION CHIEF WILLD-WAGNER:

8 Just to step back for a moment in the little  
9 history. Prior to 2007, we awarded these three  
10 competitive grants in alternate years. So we would do the  
11 opportunity grants one year and then the following year we  
12 would do both the nonprofit grants and the research,  
13 testing, and demonstration grants. I think all of you who  
14 were here will recall in 2007, February, the Committee  
15 meeting had extensive discussion on how we allocate those  
16 grant programs. And the decision was to offer all three  
17 grant programs every year. However, at that time, we also  
18 recognized that the Board has the flexibility to not award  
19 any of these grants in any given year and that this is a  
20 permissive application and statute.

21 So today's item we're not going to revise or  
22 request any change to that direction. Simply, we're  
23 requesting to not award any grants this year -- this  
24 fiscal year.

25 --o0o--

1 FINANCIAL ASSISTANCE DIVISION CHIEF WILLD-WAGNER:

2 In May, as Howard mentioned, we awarded these  
3 three grants. Out of 1.6 million available for the  
4 opportunity grants, we only awarded 986,000; nonprofit,  
5 out of 407,000 there was 263,700 that we awarded; and in  
6 the research, testing, and demonstration there were no  
7 awards that received a passing score.

8 At that time, we worked with -- where we had the  
9 request from the Board and one that we wanted to follow up  
10 on, is to work with stakeholders to try to find out why  
11 the requests were lower than usual and also to explore  
12 ways to improve the overall coordination of these  
13 competitive grants.

14 --o0o--

15 FINANCIAL ASSISTANCE DIVISION CHIEF WILLD-WAGNER:

16 Therefore, we undertook a comprehensive program  
17 evaluation that we've started and kicked off. In August  
18 we held four stakeholder workshops throughout the state.  
19 And these are really nice because they were small group  
20 workshops that were good interaction with the different  
21 grantees. We also had a survey that was a written survey.  
22 Over 60 percent of the grantees participated either by  
23 survey or in the workshops. So that we felt we have  
24 gotten so far good initial input from the stakeholders.

25 We also were trying to address -- I think I've

1 skipped one slide here -- hold on.

2 Okay. All right. I guess that's it.

3 I just didn't realize I was wrapping up so  
4 quickly.

5 (Laughter.)

6 FINANCIAL ASSISTANCE DIVISION CHIEF WILLD-WAGNER:

7 Things are just moving right along. The days are  
8 and so are the hours.

9 So this really is summarizing what we are  
10 thinking and why we would like to postpone the deferral --  
11 the award of these applications this fiscal year.

12 We did receive fewer applications. You'll see  
13 Attachment 1 shows a declining number of applicants as  
14 well as awards requested.

15 Stakeholder concerns. We had, as I said, good  
16 input. Only one of the 60 grantees suggested that they  
17 would be disappointed, that they were hoping to apply this  
18 year. Many of the reasons in the programs expressed were  
19 interesting.

20 Number 1, they just told us that they needed to  
21 focus on current priorities in implementing their existing  
22 grants as well as existing used oil collection programs.

23 And, secondly, that our competitive process, as  
24 currently structured, is very burdensome and it's  
25 difficult to devote the resources under our current

1 processes.

2           And, third, is the fact that opportunity grants  
3 are really meant to be in addition to the used oil block  
4 grants, and it's something that should be able to be  
5 sustained -- new activities funded under opportunity  
6 grants should be able to be sustained under the block  
7 grants, and local jurisdictions are simply not having the  
8 resources or the funding available to sustain a lot of new  
9 programs.

10           The desire to target underserved communities was  
11 raised at the May awards item. And we feel that there's a  
12 lot of justification to try to direct these funds to areas  
13 and regions in the state which are underserved. And we  
14 spoke with Board members about this topic. We're looking  
15 at the infrastructure framework contract that was awarded  
16 in May to hopefully gather some of that data as well as  
17 more input from the stakeholders. So that's another  
18 portion of our rationale.

19           Staff turnover. As you're aware, we've really  
20 been hard hit by staff leaving this agency. And the Used  
21 Oil Program is no exception. We have very few veteran  
22 staff that have been here in the past.

23           And the fund status. As we've stated in the  
24 agenda item, by the time the funding allocations are  
25 done -- I think you're all familiar with the formulaic

1 structure of the Oil Act. There's very little money left  
2 for these competitive grant programs, probably less than a  
3 million dollars, which would mean a very small offering  
4 this fiscal year.

5 Part of the program evaluation, I'll just mention  
6 real quickly. We have a very strong team that's being led  
7 by Bert Wenzel of the Financial Assistance Division, a new  
8 technical senior, as well as a strong support from the  
9 Local Assistance Market Development Division and the  
10 statewide technical analytical resources. So we've really  
11 got a cross-divisional team that's pulling together and  
12 working with the stakeholders on the program evaluation.

13 --o0o--

14 FINANCIAL ASSISTANCE DIVISION CHIEF WILLD-WAGNER:

15 So we will continue the evaluation program and  
16 just note that unexpended funds will revert to the Used  
17 Oil Recycling Fund as a continuous appropriation.

18 And so staff recommends deferring these three  
19 competitive grant programs for Fiscal Year 2008-9 and  
20 adopting Resolution 2008-180.

21 Any questions?

22 CHAIRPERSON BROWN: Thank you, Shirley.

23 Any questions, Board members?

24 Cheryl.

25 COMMITTEE MEMBER PEACE: So you say by deferring

1 these three grant programs, it's only about a million --  
2 less than a million dollars total?

3 FINANCIAL ASSISTANCE DIVISION CHIEF WILLD-WAGNER:

4 That's what the current fiscal outlook is.

5 COMMITTEE MEMBER PEACE: Okay. And the balance?

6 FINANCIAL ASSISTANCE DIVISION CHIEF WILLD-WAGNER:

7 Well, the fund balance will be -- the total books  
8 aren't closed, but that will be presented to you in  
9 January. But that's what our Budget Office says it looks  
10 like.

11 COMMITTEE MEMBER PEACE: So that money will just  
12 be moved over to like the 910 cycle?

13 FINANCIAL ASSISTANCE DIVISION CHIEF WILLD-WAGNER:

14 Correct.

15 CHAIRPERSON BROWN: Well, there's a formula for  
16 how much funds are in the fund to calculate the continuous  
17 appropriation, right?

18 FINANCIAL ASSISTANCE DIVISION CHIEF WILLD-WAGNER:

19 The funds roll over and then the formula is  
20 applied each year, yes.

21 CHAIRPERSON BROWN: So to answer Member Peace's  
22 question, it's actually not these funds plus the next  
23 funds; you go back to the fund balance and calculate it,  
24 so that there's a new calculation on a percentage of the  
25 fund that goes to each type of grant?

1 FINANCIAL ASSISTANCE DIVISION CHIEF WILLD-WAGNER:

2 That's correct. The funds will roll over into  
3 next year and then it becomes allocated through the  
4 formula, exactly.

5 CHAIRPERSON BROWN: Sorry.

6 FINANCIAL ASSISTANCE DIVISION CHIEF WILLD-WAGNER:

7 No, it's perfect.

8 COMMITTEE MEMBER PEACE: Okay.

9 CHAIRPERSON BROWN: Any other questions?

10 Can I have a motion?

11 COMMITTEE MEMBER MULÉ: Madam Chair, I'd like to  
12 move Resolution 2008-180.

13 COMMITTEE MEMBER PETERSEN: I'll second that.

14 CHAIRPERSON BROWN: It's been moved by Member  
15 Mulé and seconded by Member Petersen.

16 Kristen, can you call the roll.

17 COMMITTEE SECRETARY GARNER: Chesbro?

18 COMMITTEE MEMBER CHESBRO: Aye.

19 COMMITTEE SECRETARY GARNER: Mulé?

20 COMMITTEE MEMBER MULÉ: Aye.

21 COMMITTEE SECRETARY GARNER: Peace?

22 COMMITTEE MEMBER PEACE: Aye.

23 COMMITTEE SECRETARY GARNER: Petersen?

24 COMMITTEE MEMBER PETERSEN: Aye.

25 COMMITTEE SECRETARY GARNER: Brown?

1 CHAIRPERSON BROWN: Aye.

2 Motion passes.

3 And that goes on consent.

4 CHAIRPERSON BROWN: Okay. We'll move next to  
5 Item -- Committee Item -- is that B? -- C, Board Item 4.

6 LOCAL JURISDICTION, STATE AGENCY & BUSINESS  
7 ASSISTANCE PROGRAM DIRECTOR LEVENSON: Thank you, Madam  
8 Chair.

9 Of course, this is our Consideration of Model  
10 Programs and Procedures regarding Pharmaceuticals, and an  
11 update on the management of Sharps. And while Jim is  
12 getting ready, I'd like to introduce this and make a few  
13 remarks.

14 (Thereupon an overhead presentation was  
15 Presented as follows.)

16 LOCAL JURISDICTION, STATE AGENCY & BUSINESS  
17 ASSISTANCE PROGRAM DIRECTOR LEVENSON: Today, we do want  
18 to provide you first with an update on the outreach  
19 activities that we've been doing relative to SB 1305 on  
20 Sharps, and then to seek your consideration of model  
21 programs for the collection of pharmaceuticals as required  
22 by SB 966.

23 That statute, SB 966, gave definitive directions  
24 to the Board regarding criteria to be considered in  
25 developing model programs and required the Board to adopt

1 those by December 1st.

2 --o0o--

3 LOCAL JURISDICTION, STATE AGENCY & BUSINESS

4 ASSISTANCE PROGRAM DIRECTOR LEVENSON: We also have an  
5 obligation to monitor and evaluate programs and then  
6 report back to the Legislature in late 2010.

7 I think you're all aware, and many of the people  
8 in the audience are as well, this has been a very  
9 difficult undertaking, partly because there've been so  
10 many different stakeholders and agencies that have an  
11 interest in this and partly because of the way the statute  
12 itself is written.

13 It's been difficult for the agencies due to  
14 varying responsibilities. There's been a number of  
15 questions about enforcement and regulatory authority. And  
16 it's difficult for other stakeholders because they want  
17 direction and flexibility to solve this problem in a more  
18 sustainable fashion than we've seen to date.

19 I want to thank Jim Cropper, two down to my  
20 right, for his work in shepherding this, along with Jeff  
21 Lin and Fernando Berton and Brenda Smyth.

22 Jim began holding working group meetings with the  
23 agencies that are specified in statute back in February.  
24 And he also conducted several public workshops where  
25 stakeholders had an opportunity to discuss programs and

1 issues and then reviewed draft model programs.

2           Now, because of the uncertainties -- or because  
3 of concerns about improper collection and misuse of  
4 pharmaceuticals, as well as uncertainties related to  
5 enforcement issues, we had very extensive discussions  
6 during the last ten days or so or two weeks of October  
7 with the Board of Pharmacy, the Medical Board, and the  
8 Department of Public Health. And I want to acknowledge  
9 Secretary Marin of the State and Consumer Services Agency  
10 as well as Chair Brown for their help in facilitating  
11 those discussions and getting them going.

12           And I also want to thank all of our sister  
13 agencies who are represented in the audience for their  
14 willingness to work together on those issues.

15           So, as a result of those discussions, on October  
16 28th and 29th we received very specific comments on the  
17 draft model program document. We incorporated most of  
18 those comments, and that necessitated some revamping of  
19 the structure of the document. And we made it available  
20 on our public electronic system on Friday, October 31st.

21           As a result though, as you might expect,  
22 stakeholders such as local jurisdictions and some other  
23 practitioners only saw the changes really last week. So  
24 we've gotten -- we got a few comments at the end of last  
25 week and some more either over the weekend or this morning

1 which puts us in a very difficult spot timewise. I  
2 acknowledge the comments that we've got. I think this is  
3 something we want to discuss with you after we hear the  
4 presentation and -- the comments as to how we want to best  
5 handle that, given our statutory deadlines. And, of  
6 course, I do have a few ideas. But we'll go from there.

7 I think best now to have a presentation by Jim to  
8 give you an update on the Sharps, and then we'll plunge  
9 into the pharmaceutical issues. And I'm sure there'll be  
10 a few comments from the audience.

11 Thank you, Madam Chair.

12 CHAIRPERSON BROWN: Thank you.

13 Jim.

14 MR. CROPPER: Good afternoon, Madam Chair and  
15 Board members. I'm Jim Cropper with the State Analysis  
16 and Resources Division.

17 I'm currently responsible for not only  
18 pharmaceuticals, as Howard was mentioning, but also having  
19 to do with Sharps. And so this agenda item will do  
20 both -- kind of update you on both of these programs and  
21 then also talk about the procedures that we've developed  
22 for the pharmaceuticals.

23 --o0o--

24 MR. CROPPER: So what I would like to do in  
25 updating you on both of these programs is to, first of

1 all, go about talking about the law relating to SB 1305,  
2 what we plan on doing, what we have done, and then ask for  
3 your comments and suggestions on those programs, and then  
4 also -- and then after that to go on to the  
5 pharmaceuticals and look at the procedures that we've  
6 developed with the other state agencies and also  
7 stakeholders.

8           And also I wanted to kind of clarify a few terms  
9 before I get started. First of all, when I refer to  
10 Sharps, I'm referring to home-generated Sharps. And then  
11 a little bit later I'll better define that.

12                   And then also when I happen to refer to drugs or  
13 medications or pharmaceuticals or pharmaceutical waste,  
14 I'm referring to home-generated pharmaceutical waste, not  
15 those types that are generated in hospitals. So this is  
16 just specific to home-generated pharmaceuticals and  
17 Sharps.

18 --o0o--

19 MR. CROPPER: So to start out with the talk about  
20 SB 1305, it was enacted into law in 2006 over concerns  
21 about hospitality workers and also solid waste workers  
22 getting stuck by Sharps and -- and I had a previous  
23 picture just to give you an idea what these bad boys look  
24 like.

25           And some of them are thicker than -- a lot

1 thicker than that.

2 And also the concern is over hospitality workers  
3 and solid waste workers contracting some -- either HIV or  
4 hepatitis or, you know, some other type of communicable  
5 disease at their place of work.

6 --o0o--

7 MR. CROPPER: So also just to show you kind of  
8 the extent of the problem. These pictures were taken at a  
9 recycling center by Waste Management. And not only can  
10 you see the needles on the ground, but also you can see a  
11 container -- milk container that normally this is what  
12 people would have put their Sharps into. And you can see  
13 that's broken open. So it doesn't really protect workers  
14 at the recycling center. And also they've told me that --  
15 you see the pale on the right. They said that these pales  
16 get filled up probably once a week. So you can see kind  
17 of the extent of the problem.

18 --o0o--

19 MR. CROPPER: And also to look at the extent of  
20 the problem, in the United States about 3 billion  
21 home-generated Sharps are generated. And so assuming that  
22 California's 10 percent of the population, we assume that  
23 in California it's about 300 to 400 million Sharps being  
24 generated. So, you know, the potential -- it's a really  
25 extensive potential problem.

1                               --o0o--

2               MR. CROPPER:  So after the Legislature looking at  
3 the existing problem, they developed the SB 1305.  And one  
4 of the things that it did was to define -- was to define  
5 Sharps.  And just to give you a definition, Sharps are  
6 defined as hypodermic needles; pin needles; IV needles;  
7 lancets -- which lancets are -- the instruments are used  
8 for people to test their blood sugar with, to kind of  
9 prick themselves -- and other devices that are used to  
10 penetrate the skin for delivery of medications derived  
11 from a household.  So it's specific to households.

12               And SB 1305 also made it illegal to dispose of  
13 home-generated Sharps in the trash or in recycling  
14 containers or in green waste containers.  And also it  
15 provided that the transportation -- it said that the  
16 Sharps had to be transported in containers that are  
17 approved by Department of Public Health or the local  
18 enforcement agency.  And both on Department of Public  
19 Health and on our website we provide a list of -- we  
20 provide a link to the FDA, that has a list of approved  
21 containers.

22                               --o0o--

23               MR. CROPPER:  So in the law even -- since they  
24 made it illegal to dispose of in the trash and in  
25 recycling containers, they said, "Well, we need to provide

1 places where people can dispose of the Sharps." And so in  
2 the law it states that you can dispose of Sharps at  
3 household hazardous waste facilities; medical waste  
4 generator facilities, which would be hospitals or clinics,  
5 people that are already generating Sharps; and also at --  
6 you can collect them at home-generated Sharps  
7 consolidation points. And typically the consolidation  
8 points are pharmacies. And also in some areas they have  
9 kiosks for the collection of Sharps. And then also they  
10 have -- medical waste mail-back containers are permitted  
11 by this legislation.

12 --o0o--

13 MR. CROPPER: So we wanted to develop -- in  
14 looking at this law, develop a strategy on how we were  
15 going to implement it. And, first of all, we wanted to  
16 educate the government -- local government staff. And  
17 local government has really done a tremendous job  
18 developing programs and -- developing unique programs that  
19 are kind of tailored toward their situation.

20 We want to develop some educational materials and  
21 then also to send those out to people that would be able  
22 to utilize them. We wanted to develop a searchable  
23 database so people could find out where they could take  
24 Sharps to dispose of them. And I think one of the really  
25 important things is to increase the number of locations

1 where people can easily dispose of their Sharps.

2 --o0o--

3 MR. CROPPER: And we also wanted to work with  
4 some of the organizations that represent the  
5 self-injectors, like the diabetes educators or the  
6 Multiple Sclerosis Society or hepatitis support groups.  
7 And also we wanted to work the LEAs on how they should  
8 handle Sharps if they come upon them at a MRF or a  
9 landfill or recycling center.

10 --o0o--

11 MR. CROPPER: And some other things that we  
12 wanted to do and working towards is we wanted to meet with  
13 some of the large retail corporate stores, say, such as  
14 Walgreens or Longs and see if they can make it a corporate  
15 policy to start accepting Sharps back from the public; and  
16 also to work with the Product Stewardship Institute and  
17 the California Product Stewardship Council to implement  
18 EPR programs and to provide, you know, sustainable funding  
19 sources; and then also to work with hospitals and clinics.  
20 We have some very excellent programs where people are able  
21 to take their Sharps back to hospitals.

22 And then also to research some source reduction  
23 devices. And we've been working with the Department of  
24 Public Health and looking at some of the source reduction  
25 devices that people have come up with. And this is kind

1 of an example, where you put the Sharps in here, you turn  
2 it, and then it puts the sharp portion back in here and  
3 then you can dispose of the plunger portion. And so you  
4 can put about 100 of the Sharps down in here versus, say,  
5 maybe 70 in one of these containers. And then you can  
6 also -- they also have a mail-back program for that.

7 So, there's a lot of kind of unique programs or  
8 products coming out.

9 --o0o--

10 MR. CROPPER: And so some of the things that  
11 we've done to implement that strategy was to -- we've had  
12 three stakeholders meetings. And two of them we had in  
13 Sacramento, one in San Diego. And at those meetings we  
14 tried to let people -- make people aware of the law, to  
15 show people some of the programs that have already been  
16 developed, and then perhaps get some ideas on things that  
17 we could do.

18 We developed a Sharps web page that has  
19 information on the law; disposal options, such as we've  
20 mentioned earlier; a summary of some of the local programs  
21 and contacts and what the different local programs are  
22 doing; like I said, a link to the FDA-approved containers;  
23 and then also notes and PowerPoint presentations so if  
24 people wanted to use them -- PowerPoint presentations that  
25 we had at stakeholder meetings; and then also we had some

1 downloadable educational materials that we hope that  
2 people would be able to use; and then also contact  
3 information and links to Department of Public Health.

4 We've also spoken at household hazardous waste  
5 information exchanges and worked with the local  
6 governments and met with them. We've also developed a  
7 searchable database where you can put in a county and find  
8 out where you can take your Sharps.

9 --o0o--

10 MR. CROPPER: And the materials that you have in  
11 front of you, we've developed some educational materials  
12 and a poster, a brochure and also a postcard that people  
13 will be able to -- that pharmacies will be able to send  
14 back to Department of Public Health and stating that  
15 they're willing to become a consolidation point. And  
16 we're in the process of sending that out to about the  
17 6,000 pharmacies in California. So we're hoping to  
18 increase the number of consolidation points by that  
19 method.

20 And we also have a list serve where we have about  
21 400 contacts on the list serve, and so that we can provide  
22 information out to different stakeholders and also get  
23 requests and their concerns back from them.

24 --o0o--

25 MR. CROPPER: So I also wanted to go over some of

1 the kind of ongoing Sharps issues. And, first of all, to  
2 explain on the Business and Professions Code, it does not  
3 provide for -- the Business and Professions Code, one  
4 section stipulates what pharmacies can and cannot do.  
5 Well, in this -- in this portion of the Business and  
6 Professions Code, it doesn't state that pharmacies can  
7 accept Sharps. And so the feeling or the interpretation  
8 is that therefore pharmacies cannot take Sharps back.

9           However, recently the Board of Pharmacy has  
10 issued a policy stating that they're not going to enforce  
11 that part of the law. So they're not going to -- they're  
12 going to continue to allow pharmacies to accept Sharps.

13                               --o0o--

14           MR. CROPPER: Funding is always an issue, and  
15 kind of continuous funding. Some of the local governments  
16 have set up programs, for example, in San Francisco where  
17 they add a tax on to the utility bill and have funded  
18 their program. But it continues to be a problem.

19           The lack of the pharmacies accepting -- making it  
20 a corporate policy to accept back Sharps in all of their  
21 retail outlets. And also I think that there's a real lack  
22 of knowledge by self-injectors and also home health care  
23 providers that the law now states that they have to --  
24 they can no longer dispose of Sharps in the trash.

25                               --o0o--

1           MR. CROPPER: And also there isn't any -- the  
2 bill doesn't provide enforcement power where they could  
3 arrest somebody for throwing their Sharps in the trash.

4           And there's not a real consistency throughout the  
5 state of these programs. In San Francisco they'll take  
6 Sharps at all the pharmacies. In Redding they have  
7 kiosks. In West Hollywood they have a program for  
8 mail-back containers. It just varies from location to  
9 location.

10           And also in -- and then in San Luis Obispo they  
11 have a program where they are required -- anybody that  
12 sells Sharps has to take them back. So it really varies  
13 from location to location.

14           And also there isn't a requirement on  
15 manufactures or retailers to take back the Sharps. And  
16 even though they're selling them, there is no requirement  
17 to take them back except in San Luis Obispo County.

18                               --o0o--

19           MR. CROPPER: So do you have any questions or  
20 comments of me?

21           COMMITTEE MEMBER PEACE: You mentioned the  
22 take-back program that they've implemented in San Luis  
23 Obispo. How is that working? Is it too soon to tell?

24           MR. CROPPER: They're different -- I've heard  
25 different things, you know, depending on who you ask.

1 From some of the pharmacists I've heard that their concern  
2 is that all different kinds of things are being put in the  
3 containers. And then the San Luis Obispo County would say  
4 that the program is going well and they've added some  
5 other pharmacies, that they've just found out some  
6 pharmacies at the college, for example. And so they're  
7 adding more pharmacies.

8           You know, so it's I think a real learning curve.  
9 Nobody else has done this in the state. And so, you know,  
10 I think that -- you know, it should be interesting when we  
11 get the Form 303s next year to see how they've improved.

12           COMMITTEE MEMBER PEACE: Well, this is one of  
13 those things that might definitely need like an extended  
14 producer responsibility for the manufacturers and the  
15 retailers to really make it work. Because, like I said,  
16 there is no funding source and it's voluntary. So it's  
17 really difficult to get these things to work until there's  
18 something that's going to mandate them to do this.

19           MR. CROPPER: Yeah. And as we say, we're working  
20 with the Product Stewardship Institute and, you know,  
21 trying to get some of that stuff established, those types  
22 of programs.

23           COMMITTEE MEMBER CHESBRO: It does, along the  
24 same line, make sense though that we try to make our  
25 policies consistent and try to use the framework that

1 we've adopted as a lens through which we look at these  
2 individual materials. So I think that points well taken.

3 CHAIRPERSON BROWN: Is that a pause in the  
4 presentation? You have Part 2?

5 MR. CROPPER: Now for Part --

6 CHAIRPERSON BROWN: Okay. Any other questions  
7 for Jim?

8 COMMITTEE MEMBER MULÉ: I just have one quick  
9 one. Thank you, Madam Chair.

10 Having followed this since the bill has been  
11 passed, I really want to commend our staff and all the  
12 stakeholders out there for working together on this.  
13 Because the bill was not perfect, and we all knew that  
14 going into it. So I think we're all doing the best we can  
15 with the law that is currently on the books. So, again, I  
16 just want to thank staff and everybody for their hard work  
17 on this.

18 A quick question, Jim. You said that there's a  
19 lack of knowledge about the new law by the self-injectors.  
20 Aren't the majority of injectors diabetics?

21 MR. CROPPER: Correct.

22 COMMITTEE MEMBER MULÉ: So if that's the case,  
23 then I think we kind of have a target audience here, and  
24 perhaps we can work closer with the Diabetes Association  
25 to educate that target group.

1 MR. CROPPER: Okay. That's a great suggestion.

2 COMMITTEE MEMBER MULÉ: Thank you.

3 COMMITTEE MEMBER PETERSEN: I was just going to  
4 follow up on that myself.

5 And when they receive their medications from the  
6 pharmacy or I guess my mail, wouldn't there be a  
7 notification in with the drugs to make sure that they  
8 understand the rules and regulations?

9 MR. CROPPER: There should be. There's not  
10 currently.

11 COMMITTEE MEMBER PETERSEN: So there's a place  
12 where we could -- we go pick on somebody there.

13 And then the other thing is on -- I agree with  
14 Senator Chesbro, or Assemblyman Chesbro now, and Cheryl on  
15 the EPR. I think that that's probably -- we've got to  
16 stop picking on these individual things and start setting  
17 up this framework and going to work on this thing in the  
18 groups, those different categories of different product  
19 lines.

20 So thank you, Jim. A job well done. Thank you.

21 MR. CROPPER: And our hope is that with the  
22 pharmacies -- providing the pharmacies with the brochures,  
23 that they'll provide that to their clients, ask for more  
24 of them from us, and then provide that to their customers.

25 CHAIRPERSON BROWN: Thank you, Jim.

1 Howard.

2 LOCAL JURISDICTION, STATE AGENCY & BUSINESS

3 ASSISTANCE PROGRAM DIRECTOR LEVENSON: We're going to --

4 with your indulgence, we'll go on into SB 966.

5 CHAIRPERSON BROWN: Thank you.

6 LOCAL JURISDICTION, STATE AGENCY & BUSINESS

7 ASSISTANCE PROGRAM DIRECTOR LEVENSON: Also by Jim.

8 --o0o--

9 MR. CROPPER: So the second portion is on SB 966,  
10 having to do with pharmaceuticals and developing model  
11 programs and procedures and criteria for the collection of  
12 pharmaceuticals.

13 And what I'd like to do in this presentation is,  
14 first of all, to go over the law and provide you with  
15 requirements of the law and then also the criteria that's  
16 specified in the law for the model programs and our plan  
17 to implement the law, the survey results that we got back  
18 from California collection programs and also outside of  
19 California, some of the ongoing issues, and then also the  
20 contents of the procedures.

21 --o0o--

22 MR. CROPPER: And as I said earlier, when I refer  
23 to medications or drugs, anyway it's home generated --  
24 what I'm referring to is the home-generated  
25 pharmaceuticals.

1           And SB 966 was enacted last year out of concern  
2   principally from a study from the USGS about documenting  
3   pharmaceuticals in not only waterways but also in the  
4   drinking water. And last year there was also a report  
5   from Associated Press showing pharmaceuticals showing up  
6   in the drinking water.

7                               --o0o--

8           MR. CROPPER: And to go over the requirements of  
9   SB 966, it requires us to evaluate some of the programs  
10   throughout California, throughout the United States, and  
11   also outside the United States, develop model programs for  
12   the collection and proper disposal of drug waste --

13                              --o0o--

14          MR. CROPPER: -- and then to establish criteria  
15   and procedures from implementing those programs. And then  
16   also -- you can see we're kind of up against the statutory  
17   deadline by December 1st. And then we're also required in  
18   2010 to develop -- to write a report to the Legislature on  
19   the -- on how well these programs are doing and then also  
20   the possibility of a statewide collection program.

21                              --o0o--

22          MR. CROPPER: And then to go over the criteria  
23   for the model programs that was specified in the law, they  
24   shouldn't be of any cost to the consumer, so you should be  
25   able to bring them back for free. They should be able to

1 protect the public health and the environment and the  
2 consumers.

3 --o0o--

4 MR. CROPPER: And also they should be able to  
5 report to the Board the amounts that they're collecting.  
6 And then also a very big concern to all of us is that they  
7 protect against the diversion of drug waste; and then also  
8 that they provide educational materials, letting people  
9 know what the problem is with disposing of drugs down the  
10 toilet, for example.

11 --o0o--

12 MR. CROPPER: So our plan was to -- first of all,  
13 was to develop a working group with some of the other  
14 state agencies and to meet with them and we develop a  
15 working group of Department of Toxic Substances Control,  
16 Water Resources Control Board, Department of Public  
17 Health, the Board of Pharmacy, and ourselves. And then  
18 met several times to start the development of these  
19 procedures.

20 And we conducted three stakeholder meetings, two  
21 in Sacramento, one in San Diego, and we provided  
22 information on the law and also some of the programs that  
23 were being implemented, and then also received suggestions  
24 on what should be done to develop a statewide program.

25 We've spoken at several information exchanges,

1 also at the Western Sustainability Pollution Prevention  
2 network, and also have testified at the Board of Pharmacy.

3 And then we also surveyed -- as I said earlier,  
4 surveyed some of the collection programs statewide, and  
5 then we developed the criteria and the procedures.

6 --o0o--

7 MR. CROPPER: And then sent that out for review  
8 and then held a stakeholder workshop and received comments  
9 at the stakeholder workshop.

10 And then lastly is to submit it to the Board --  
11 to our Board for comments and for approval.

12 --o0o--

13 MR. CROPPER: So I just wanted to go over some of  
14 the results of the survey. And I thought that some of  
15 these might be of interest to you.

16 We got 23 surveys back from California collection  
17 programs and then 4 from out of state. And the results,  
18 they showed that for the most part most of these programs  
19 were collecting at household hazardous waste facilities.  
20 So, you know, there may be more, but these are just the  
21 people that responded to us.

22 --o0o--

23 MR. CROPPER: In addition, they're also  
24 collecting at police stations, pharmacies, public  
25 facilities, and through mail-back programs. And the best

1 example of the mail-back program is one from Celgene where  
2 they take back thalidomide, and they have a very excellent  
3 program for using a mail-back program.

4 And also we've included a summary, kind of a  
5 checklist of those programs that meet the criteria in SB  
6 966 for model programs.

7 --o0o--

8 MR. CROPPER: Okay. So then we kind of get to  
9 the heart of the matter. The proposed criteria and  
10 procedures for the collection.

11 --o0o--

12 MR. CROPPER: So the way that -- the reason for  
13 writing this was, you know, first of all to comply with  
14 the statute and then also to provide organizations and  
15 local governments with some tools and some guidelines on  
16 how they can develop their own collection programs.

17 --o0o--

18 MR. CROPPER: And we developed these, as I said,  
19 from the statutory requirement, from the surveys, from our  
20 working group, and then also from stakeholder comments  
21 that we received.

22 --o0o--

23 MR. CROPPER: And the procedures are broken down  
24 into three parts: The Permit and Collection programs; the  
25 one-time or periodic events; and then the mail-back

1 programs.

2 --o0o--

3 MR. CROPPER: And then within each of those  
4 sections we provided subsections. This is kind of the  
5 who, what, where, when, how to collect pharmaceuticals.  
6 And these are each of the subsections though that were in  
7 the procedures.

8 --o0o--

9 MR. CROPPER: And then after we get the approval  
10 of these, our plan is to send them out through our list  
11 serve, send them out through -- there's a national list  
12 serve, provide them out through the household hazard waste  
13 list serve, local government list serve and -- anyway,  
14 just to disseminate them in that way.

15 --o0o--

16 MR. CROPPER: Just to look at kind of some  
17 ongoing issues. The same type of issue with the Business  
18 and Professions Code, where it doesn't stipulate that  
19 pharmacies can accept them, therefore they can't.

20 Also a concern about collection of controlled  
21 substances. And if you were a pharmacy collecting  
22 controlled substances, you could -- if you were arrested,  
23 you know, you could lose your license and not be able to  
24 have your business any longer.

25 Always a concern about ongoing funding and

1 funding these collection programs and how to fund them.  
2 And also placing the burden, it's kind of stuck on local  
3 government to implement these programs. And kind of one  
4 exception that I know of is the program in the East Bay  
5 where they have pharmacies collecting pharmaceuticals.

6 And also that household hazardous -- they can't  
7 fund these programs through HHW grants because they're not  
8 considered -- pharmaceuticals are not considered household  
9 hazardous waste.

10 --o0o--

11 MR. CROPPER: And another issue is there aren't  
12 any policies in place for manufacturers or retailers  
13 taking back the pharmaceuticals. And there is not much  
14 funding available, except for what these local governments  
15 have, you know, printed up about the problem of disposing  
16 of pharmaceuticals into our waterways and into our  
17 drinking water.

18 --o0o--

19 MR. CROPPER: Okay. So do you have any questions  
20 of me?

21 CHAIRPERSON BROWN: Any questions for Jim?  
22 I think you covered it.

23 COMMITTEE MEMBER PEACE: Again, so we're supposed  
24 to have these programs to voluntarily take back the  
25 pharmaceuticals, but nothing says they have to in the

1 bill -- nothing says they have to take them back. But the  
2 bill does say that people can't put stuff in the trash  
3 anymore?

4 CHAIRPERSON BROWN: Uh-huh. And there's no  
5 enforcement authority.

6 COMMITTEE MEMBER PEACE: So they kind of put the  
7 cart before the horse.

8 MR. CROPPER: Yeah. As I understand it, it's not  
9 illegal to throw them. There's -- we have some procedures  
10 for putting into containers and then put it into the  
11 trash. So it's not illegal to put most of the  
12 pharmaceuticals into the trash.

13 COMMITTEE MEMBER PEACE: You know, I saw -- there  
14 was something on the website that was sent to me and I  
15 clicked on it. And it took me to a little video somewhere  
16 that showed this is what you do with your pharmaceuticals.  
17 And you like put them in a baggie and then you put coffee  
18 grounds in it and then you put it in the trash.

19 Can anybody explain to me what that's all about?  
20 Why isn't it just safer to keep them in their container  
21 that they came in? That's hard. You can't even get the  
22 top off.

23 So that's what we're suggesting to people? Or is  
24 that what the pharmaceutical companies suggest to the  
25 people?

1           MR. CROPPER: The one that we've put on our  
2 website, it summarizes -- it's a flier from the Board of  
3 Pharmacy explaining to people how to dispose of the  
4 pharmaceuticals. And, yeah, it's extensive. It tells  
5 them to put them in, you know, a container with coffee  
6 grounds or kitty litter and then to tape it up; get off  
7 all the information, which is very important; and then  
8 they can dispose of it in the trash.

9           COMMITTEE MEMBER PEACE: So if people are being  
10 told to not dispose of it, basically they don't want you  
11 throwing it away, they're saying don't -- so our stuff is  
12 saying, "Don't put it in the trash," or "Do put it in the  
13 trash this way"?

14          MR. CROPPER: If you put it in the trash, this is  
15 what to do. And don't -- and not to dispose of it down  
16 the toilet or sink or whatever.

17          COMMITTEE MEMBER PEACE: Okay. I think that's  
18 the key things with people, if it just said, "Don't put it  
19 in the trash," it seems like to me they'll say, "Okay,  
20 then we dump it down the drain." And that's exactly what  
21 we don't want people to do.

22                So how did the pharmaceutical -- how did they  
23 come up with putting it in a baggy and putting coffee  
24 grounds and kitty litter? Where'd that -- how come that's  
25 safer? I don't understand. How come that's safer than

1 not keeping it in the bottle it came in?

2 LOCAL JURISDICTION, STATE AGENCY & BUSINESS

3 ASSISTANCE PROGRAM DIRECTOR LEVENSON: That's something  
4 that we did not develop. And we could ask others to  
5 comment on that.

6 But, you know, our -- unlike the Sharps, which  
7 are banned from landfill disposal, pharmaceuticals aren't  
8 by this statute. But our charge was to develop some model  
9 programs for better handling and management of  
10 pharmaceuticals. So that's where the Attachment 1 of the  
11 procedures are oriented towards, the permanent collection  
12 centers, such as pharmacies and HHW facilities, or the  
13 periodic and one-time kinds of events or mail-backs, as  
14 opposed to promoting landfills. But we have that  
15 information on the site.

16 COMMITTEE MEMBER PEACE: Now, this is another one  
17 of those things that definitely is like EPR or EPR  
18 legislation before they would ban something like this.

19 LOCAL JURISDICTION, STATE AGENCY & BUSINESS

20 ASSISTANCE PROGRAM DIRECTOR LEVENSON: Well, certainly  
21 from a staff perspective, it's clear that these are the  
22 kinds of products that would be amenable to an EPR  
23 approach. And we don't have the authority to do that at  
24 this point, as you well know.

25 CHAIRPERSON BROWN: Senator Chesbro.

1           COMMITTEE MEMBER CHESBRO: I have a comment. And  
2 then I apologize, I'm going to have to leave in just a  
3 moment here.

4           But one of the disappointing things about the  
5 Legislature not stepping up more seriously about this is  
6 that there's a whole public safety and substance abuse  
7 component of this, you know. Statistics show that, you  
8 know, one of the predominant drug abuse problems among  
9 young people is prescription drugs out of mom and dad's  
10 medicine cabinet. And if people aren't -- don't have a  
11 proper way to dispose of them, what most people do until  
12 they're overflowing with them is to, you know, stick the  
13 half used Darvon or whatever it is in the -- or far more  
14 serious than that back in the medicine cabinet and it's  
15 just sitting there at risk of being abused.

16           So I think there's a whole public safety  
17 component. And when we get to discussing this, I think  
18 trying to get the folks in the law enforcement and the  
19 folks who are involved in trying to prevent youth abuse of  
20 substances ought to be our partners in trying to address  
21 this problem. Because it's definitely an environmental  
22 threat. I mean getting it in -- I mean the fact that  
23 we're drinking water that has admittedly minute but  
24 nonetheless has these substances in them potentially, but  
25 you add to it the fact that -- you know, most responsible

1 people would know don't put it down the toilet. But then  
2 what do you do with it?

3 CHAIRPERSON BROWN: Right. Excellent point.

4 Thank you.

5 We do have a number of speakers. So why don't we  
6 call them up and then we'll move on from there.

7 Our first speaker is Heidi Sanborn, California  
8 Product Stewardship Institute.

9 MS. SANBORN: Good afternoon, Madam Chair and  
10 Board members.

11 First I have to say I was just giddy hearing all  
12 of you talk about EPR.

13 The major comments -- first I'm going to talk  
14 from the California Product Stewardship Council  
15 perspective and then from Central Sierra Sharps Coalition,  
16 which is some rural counties that I've been working with  
17 in Mariposa County.

18 Our general comments - and I think you got the  
19 letter -- and, by the way, I wanted to point out, we have  
20 a new map of who we represent. And as of last week, it  
21 includes L.A. County. They adopted an EPR resolution last  
22 week.

23 So our first comment is generally that we were  
24 hoping that we'd have a lot more EPR discussion on  
25 pharmaceuticals and Sharps. And we were particularly

1 impressed with the program in Canada. I'm actually going  
2 to Canada next month and meeting with the people who are  
3 running their product stewardship program. But they have  
4 the Post-Consumer Pharmaceutical Stewardship Association  
5 and it's actually very effective. They have 800  
6 collection points. And it cost \$305,000 to operate in  
7 2007. I just thought that was quite amazing.

8 CHAIRPERSON BROWN: Is it a voluntary program?

9 MS. SANBORN: No.

10 CHAIRPERSON BROWN: That's the key.

11 MS. SANBORN: Yeah, we would agree.

12 And it serves 4.4 million people, and it  
13 collected 20,000 kilograms of pharmaceuticals.

14 So we want to go to -- I'm going to be going up  
15 and meeting with them and trying to figure out how they  
16 actually operate the program. I'll be meeting with the  
17 provincial government folks and also with the leaders  
18 of -- the Executive Director of the program.

19 It's also operating in Alberta and Saskatchewan  
20 and a few of the other provinces.

21 And we also just wanted to point out the  
22 definition of "sustainable funding" included grants and  
23 taxes, basically local general funds, which we would not  
24 consider a sustainable funding source in any way, shape or  
25 form. So we were just hoping that the language could

1 maybe be amended to have that changed.

2           And then under the Sharps, there are basically  
3 two items that we think probably require legislation. And  
4 we know in the bill it actually asks the Waste Board and  
5 Department of Public Health to come back with some  
6 suggestions or maybe go back to the Legislature to talk  
7 about this, but to provide clear authority for the Board  
8 of Pharmacy to allow the Sharps collection to retailers  
9 and pharmacies. That's like number 1. Because obviously  
10 when go out and meet with all of these pharmacies, they  
11 want to do it but they're afraid to break any kind of risk  
12 manager's protocol is a problem.

13           And then also to provide an EPR solution for  
14 Sharps generally because there is no infrastructure. The  
15 law said that - and I quote from SB 1305 - "The  
16 development of a safe, convenient, and cost-effective  
17 infrastructure for the collection of millions of  
18 home-generated Sharps and the public education programs to  
19 promote safe disposal of Sharps will require a cooperative  
20 effort by the State Department of Health Services, the  
21 Waste Board, local governments, large employers,  
22 dispensing pharmacies, as well as health care, solid waste  
23 pharmaceutical industries and manufactures of Sharps."  
24 And we just think we're kind of lacking in a lot of those  
25 groups.

1 CHAIRPERSON BROWN: Doesn't it sound great?

2 MS. SANBORN: It sounded fabulous.

3 CHAIRPERSON BROWN: But there's no authority, no  
4 enforcement. There's nothing behind it. It sounds great  
5 though.

6 MS. SANBORN: Right. And we agree. I mean that  
7 would be wonderful. And so I actually tried to do that  
8 with these rural counties. And I'll tell you about that  
9 in just a minute. But we also wanted to point it out on  
10 page 47, which I think was already corrected by Jim in the  
11 presentation, that we'd certainly at CPC like to be  
12 considered as an entity that stands ready to help  
13 implement any EPR pilots here in California.

14 So now with my other hat on representing the  
15 rural counties. I did a coordination grant for six rural  
16 counties trying to figure out what kind of Sharps strategy  
17 we're going to develop. And we came out with -- we wanted  
18 to tell you about the process that we went through and  
19 then tell you the conclusion.

20 We went and had stakeholder meetings in all the  
21 counties. We included the pharmaceutical -- or the  
22 pharmacies, the farm advisors, the feed stores,  
23 veterinarians - everybody we could think of that would  
24 have anything to do with Sharps. The number one finding  
25 was they all care. They really do care about this issue.

1 They feel very badly that people are being stuck. They  
2 feel terrible they're in the trash. And they wanted to do  
3 something. But the problem is they simply cannot in an  
4 unfair playing field take the financial hit of taking it  
5 on themselves.

6           So what we did was, with that encouragement, is  
7 we went ahead and developed -- did a little research and  
8 came up with a protocol, a project proposal. And I  
9 actually gave you a copy of it. And we gave this to  
10 pharmaceutical -- or, I'm sorry -- the Sharps  
11 manufacturers, some pharmaceutical companies, some  
12 retailers, and asked them to participate with us, to just  
13 at least sit down and talk with us, "What can you do to  
14 help us fund this kind of a kiosk collection program if we  
15 decide to go this route?"

16           And here are the results:

17           The hospital in El Dorado said they happy to  
18 help. Then they were originally going to offer \$5,000,  
19 but they had to cut back due to budget problems.

20           The hospital in Calaveras was also ready to help.  
21 But they ran into cost barriers as well with the cost of  
22 collection.

23           Longs Drugs in El Dorado had voluntarily  
24 collected Sharps. And due to the extremely high cost they  
25 were being charged, they had to discontinue in March of

1 2008. They responded by saying they were only 1 percent  
2 of the market share. And they were afraid to fund a  
3 program because they would be asked to fund more. Again,  
4 an unlevel playing field.

5 And ulTiMED responded that the proposal was well  
6 written but their company believes that producers should  
7 sell Sharps with the return containers. And they've said  
8 that they are doing that in California, which we were very  
9 grateful for, because at least the return container comes  
10 with the Sharps at the point of purchase.

11 But they do not believe that Sharps producers  
12 should have to pay to design a collection system. And  
13 they want the retailers to take them back.

14 And then Covidien and BND didn't respond and  
15 neither did the retailers.

16 So we feel like we went above and beyond to try  
17 and reach out. And we designed a program, we asked for  
18 help, tried to talk to them, and we got very little  
19 response.

20 So I guess, you know, in conclusion, that the  
21 group that says -- you know, we really encourage the Board  
22 to look at EPR for Sharps, that we've done everything we  
23 could possibly do with a state grant to reach out and do  
24 public-private partnerships. And there's just really no  
25 way to do it without participation by the other parties.

1 CHAIRPERSON BROWN: Right.

2 MS. SANBORN: Any questions?

3 CHAIRPERSON BROWN: Excellent. Thank you, Heidi.

4 MS. SANBORN: All right. Thank you.

5 CHAIRPERSON BROWN: Clearly, the businesses that  
6 want to do the right thing shouldn't be penalized for  
7 doing the right thing. And that's why EPR in the  
8 framework that this Board has adopted and stands behind is  
9 the way that creates that level playing field. And that's  
10 the only way EPR is going to be implemented. And there's  
11 going to be, a cross the board, not, you know, putting it  
12 on it the retailer, exclusive of the manufacturer, it is a  
13 framework that allows for participation across the board.

14 So thank you, Heidi, for being here and for your  
15 advocacy.

16 Our next speaker -- oh, I'm going to really munch  
17 this one -- Marjaneh Zarrehparvar.

18 MS. ZARREHPARVAR: Hi.

19 CHAIRPERSON BROWN: Was I even close.

20 Yeah, you're very close. Marjaneh Zarrehparvar.

21 Good afternoon. My name is Marjaneh Zarrehparvar  
22 and I am with the Department of the Environment in San  
23 Francisco.

24 I have been managing the San Francisco Household  
25 Hazardous Waste Program for about seven years. So I have

1 a lot of experience with taking all kinds of waste  
2 products through all different kinds of program avenues,  
3 everything from household hazardous waste facility to  
4 retail collection programs to one-day events, home  
5 collection program. You name it, we've tried it. And we  
6 have lots of data. We're happy to always share.

7 I have two goals today. One is to reinforce what  
8 Heidi was addressing, which is the need to have  
9 manufacturer funding and involvement in order to have a  
10 real pharmaceutical collection program. I'll get into a  
11 little bit about why I don't think we can -- we would even  
12 have a real program and we would not be addressing the  
13 environmental concerns if we don't have that kind of  
14 funding, and how that funding could allow for pharmacy  
15 take-back. Without pharmacy take-back I don't think we  
16 really have a program.

17 My second goal -- and I'll reinforce Heidi's  
18 points by just sharing some I've experienced in San  
19 Francisco.

20 My second goal here today is actually to share  
21 comments with you on the actual guidance document from  
22 about five or six of my colleagues that represent solid  
23 waste, hazardous waste, and wastewater, and names that  
24 you're all familiar with, people who have been really  
25 active in this arena - Carl North from Palo Alto, Jan

1 Jackson from East Bay MUD, Leslie Daniels. So many people  
2 who would really like to have been here today, but because  
3 of the short timeframe could not and have sent their  
4 comments to me. And I've tried my best to consolidate  
5 them.

6 But I want to warn you in advance that we could  
7 be here for a long time going through all those comments.  
8 So if there's a more effective way for me to address that  
9 section of my talk --

10 CHAIRPERSON BROWN: Yes, you can give it to our  
11 staff right here, because we will continue to take  
12 comments.

13 MS. ZARREHPARVAR: Okay. Is it possible to maybe  
14 talk with you after the meeting?

15 CHAIRPERSON BROWN: Yeah.

16 MS. ZARREHPARVAR: Because they're in all  
17 different kinds of formats and I've done the best I can to  
18 consolidate them. But we want to make sure they're heard.

19 CHAIRPERSON BROWN: Yeah. You don't have to do  
20 it today. We're going to allow for it. And Howard will  
21 get into that later.

22 MS. ZARREHPARVAR: Right. Okay. Because we want  
23 to make sure they're heard.

24 So on that note, let me just get back to my first  
25 goal, which is to back up Heidi's note about needing

1 manufacturer involvement. And I want to illustrate this  
2 by talking about the program we have in San Francisco.

3 In San Francisco we have more than a hundred  
4 retail collection partners for a variety of items,  
5 including household batteries, Sharps -- we have 60 Sharps  
6 collection sites. We have 95 battery collection sites.  
7 We have 30 florescent light collection sites. We have 8  
8 latex paint collection sites. I mean you name it, we've  
9 tried it.

10 And what's really important to get from this is  
11 that every time we add a site, our total waste stream only  
12 increases. In 13 years the amount of waste coming to our  
13 household hazardous waste facility, which is just about  
14 all most counties have, our waste stream has never gone  
15 down. So that means that every time we add any kind of a  
16 program, we're not spreading the waste or, you know,  
17 getting it through a different mechanism. We're just  
18 increasing the total amount of waste that we're getting.

19 Using batteries as an illustration, with 95  
20 collection sites we've increased our battery collection  
21 95-fold. So we didn't -- you know, people who are not  
22 going to the household hazardous waste facility -- we've  
23 had it for 20 years. If they're not going there, they're  
24 probably never going to go there.

25 CHAIRPERSON BROWN: Right.

1 MS. ZARREHPARVAR: They may put it in the garbage  
2 or they may hang on to it.

3 CHAIRPERSON BROWN: We are kind of aware of all  
4 that. So if you could focus on Sharps and pharmaceuticals  
5 for this discussion. You have five people after you.

6 MS. ZARREHPARVAR: Okay. I wanted to speak to  
7 that point to say that you it's -- you understand a local  
8 government can't take on the burden of also funding this  
9 program?

10 CHAIRPERSON BROWN: That's why we're doing what  
11 we're doing.

12 MS. ZARREHPARVAR: The only way we're going to  
13 have a real program that addresses the needs of the  
14 environment and of collection is to have retail  
15 participation. And the only way we can have retail  
16 participation is if we have manufacturer funding. And I  
17 just believe that without pharmacy collection, without  
18 that specific retailer, this is just an exercise sort of  
19 in buying time for industry or, you know, putting our  
20 government hats on and doing our jobs or we're not really  
21 going to get anywhere and we're not going to address the  
22 main needs.

23 So that's that piece. And then, again, I have  
24 lots of comments on the actual document. But just to  
25 summarize them, our hope was that this guidance document

1 would provide guidelines for simple, streamlined, easy to  
2 replicate type of a program, right? Something like what's  
3 already happening but also address the need to fund -- the  
4 funding source of it.

5 We don't think this document has done that  
6 necessarily. It's put up a lot of barriers that don't  
7 currently exist. So our comments are mostly addressing  
8 those barriers in ways in which we think we can remove  
9 those and make it a more simple program.

10 CHAIRPERSON BROWN: Great. Thank you.

11 MS. ZARREHPARVAR: Thank you.

12 CHAIRPERSON BROWN: I appreciate it.

13 Don't want to rush anybody along. But I want to  
14 make sure that we keep to the issue that we have today.

15 So our next speaker is Virginia Herold, Board of  
16 Pharmacy.

17 MS. HEROLD: I brought comments.

18 CHAIRPERSON BROWN: While she's coming up,  
19 Howard, can we -- why don't we frame a little bit our  
20 timing on this, just so the audience knows. Because we do  
21 have an awareness that some of the information came to us  
22 very late, and our staff has deny an excellent job trying  
23 the take all of that information and feedback in,  
24 disseminate it, add it to this model program. So as  
25 Virginia's preparing, why don't you do that timeframe for

1 us a little bit.

2 LOCAL JURISDICTION, STATE AGENCY & BUSINESS

3 ASSISTANCE PROGRAM DIRECTOR LEVENSON: Sure. Thank you,  
4 Madam Chair. And I've had some discussions with our  
5 Executive Director and our Legal Counsel.

6 Clearly we have an obligation to adopt a model  
7 program and meet our statutory deadline. But we also  
8 recognize that many of the stakeholders have not had much  
9 of a chance to see these guidelines in their new form and  
10 that they have concerns about them.

11 So one possibility is for us to adopt some  
12 version of the program this week at the Board meeting,  
13 with the proviso that we would continue to work on it and  
14 refine it but without an open-ended timeframe.

15 One thing we could do is take these comments that  
16 various folks have either submitted or will submit, do our  
17 best to incorporate them in a new version in the next  
18 month or so, circulate that amongst all the parties and  
19 have a full meeting -- working group meeting with the  
20 various agencies involved and the stakeholders to see  
21 where we can get consensus on those potential changes.

22 I'm not going to say that we're going to get a  
23 hundred percent consensus. We have an obligation to  
24 respond to our sister agency concerns as well. So we're  
25 trying to do a balancing act here. But we could certainly

1 have a revision, some sort of meeting with all the  
2 stakeholders in the next month, kind of depending on  
3 holidays because that would make it hard to schedule  
4 everything, and then return to the Board in -- let's see,  
5 this is November -- it would be --

6 CHAIRPERSON BROWN: Probably February by the time  
7 we notice and get information.

8 LOCAL JURISDICTION, STATE AGENCY & BUSINESS

9 ASSISTANCE PROGRAM DIRECTOR LEVENSON: For a refined --  
10 yeah, adoption of a refined version.

11 CHAIRPERSON BROWN: Um-hmm.

12 LOCAL JURISDICTION, STATE AGENCY & BUSINESS

13 ASSISTANCE PROGRAM DIRECTOR LEVENSON: So that's our  
14 thinking. It would allow us to hear the comments today  
15 but not have to respond on the spot to all of them, nor to  
16 try and incorporate everything into a version that not  
17 everybody will be able to see, you know, by Thursday.

18 CHAIRPERSON BROWN: Right. Thank you, Howard. I  
19 appreciate that.

20 Virginia.

21 MS. HEROLD: Hi. Good afternoon. I'm Virginia  
22 Herold. I'm the Board of Pharmacy's Executive Officer.  
23 And it's my delight to be here.

24 This is actually an issue that we've been  
25 grappling with for about ten years at the Board, at least

1 we have no good answers, which is part of what the issue  
2 is in here. There's no one solid answer on where we're  
3 going with this.

4 And I'd like to specifically thank Mr. Cropper,  
5 who has gone through numerous iterations of drafts and  
6 comments and listened to me bang on the table that we  
7 don't have the authority to do this, that, and the other  
8 thing. And I think we're moving towards something that we  
9 all really care about.

10 The public wants these programs. The public is  
11 ready to give into them, as was just mentioned. We need  
12 to find a way to do this without, as Mr. Chesbro says,  
13 increasing drug diversion or, worse yet, adulterating our  
14 drug supply.

15 And the letter I attached -- I gave you a couple  
16 of things. We had a board meeting on October 29th and the  
17 board directed me to provide you with our comments that I  
18 provided to the Board. There's also some comments from  
19 the Department of Consumer Affairs. And I'm very pleased  
20 to say that we provided those comments to the Integrated  
21 Waste Management Board on the 28th, and many of them have  
22 been incorporated into the current draft. So thank you  
23 very much. That was a quick turnaround time, and we're  
24 very grateful for that quick turnaround time.

25 The third document is a summary that I did today

1 of my comments with respect to the current draft and the  
2 few remaining issues that we have that are between the  
3 guidelines and where we would like to see this go down the  
4 road.

5           So with that being said, basically I have  
6 attached what happened in Washington. Washington State  
7 has been discussed several times as one of the states that  
8 has implemented a model program. And in Washington they  
9 have -- they started with 2 pharmacies, I believe, and  
10 then it expanded to 6. And I think they're up to 20 now,  
11 although I really don't know what's going on in  
12 Washington.

13           Regrettably also this week on November 4th there  
14 was a press release indicating that one of the pharmacists  
15 working in one of those take-back programs was collecting  
16 the drugs, putting them into the pharmacy's containers,  
17 and then distributing them to patients. It is that kind  
18 of drug diversion that we are so retentive about at the  
19 Board of Pharmacy. We don't want that happening here.  
20 And I will tell you as a regulator, it's almost impossible  
21 for us to detect that. That we will pull invoices and we  
22 look at dispositions, which are basically prescriptions as  
23 they leave. We want to preserve the drug supply. And we  
24 don't want drug diversion, which is another thing.  
25 Because, as Mr. Chesbro said, these drugs are not recycled

1 oil where there's very little value to it. Prescription  
2 drugs have high value in our society. And wherever you  
3 have a collection of these drugs, you have a potential  
4 theft and drug diversion issue, not to mention our kids  
5 getting into them.

6           So with that being said, basically I want to  
7 continue to commit to work with the Integrated Waste  
8 Management Board. Our one concern that we will work with  
9 after the fact is, we do not believe that pharmacies have  
10 the authority to take these drugs back. We know that some  
11 pharmacies are doing that. And we want to make sure that  
12 we have all the regulatory tools we need in order to do  
13 this. So sometime in 2009 we will advance either  
14 statutory or regulations, or both, to assure that we have  
15 the ability to do this. And that is part of our public  
16 protection mandate, that I want to convey in the strongest  
17 terms possible in no way do we want to discredit where  
18 this is going. We did provide numerous discussions -- or  
19 had numerous discussions with Senator Simitian as 966 was  
20 going through. We want to continue in that dialogue. We  
21 just need to do a little more work, because we don't think  
22 we're quite there yet.

23           And I need to say one comment about the method by  
24 which we're recommending people dispose of their  
25 pharmaceuticals. That is the pathetic state of science

1 that's out there.

2           Actually you only got part of it. You mix it  
3 with coffee grounds or you put it in bubble wrap, wrap it  
4 in duck tape, then throw it away. That is not the Board  
5 of Pharmacy's idea, by the way. That actually is the  
6 FDA's and the DEA's to prevent drug diversion. So I want  
7 to -- in the interest of full disclosure, I don't want  
8 credit for that one.

9           (Laughter.)

10          CHAIRPERSON BROWN: Probably a wise disclaimer.

11          (Laughter.)

12          CHAIRPERSON BROWN: And does anybody have any --  
13 thank you, Virginia, very much.

14          MS. HEROLD: Thank you.

15          CHAIRPERSON BROWN: Any questions?

16          Okay. Appreciate your working with us through  
17 this.

18          Larry Sweetser.

19          LOCAL JURISDICTION, STATE AGENCY & BUSINESS

20 ASSISTANCE PROGRAM DIRECTOR LEVENSON: Madam Chair, while  
21 Larry's coming up. I did forget to mention one other  
22 thing that we can do in February, which is also to include  
23 the discussion of the various legislative issues that  
24 people have raised, including obviously the need for EPR  
25 and clarification on some of the authority issues. So

1 that that's something that you would have before you for  
2 at least discussion purposes.

3 CHAIRPERSON BROWN: Thank you.

4 MR. SWEETSER: Good afternoon, Board members.

5 Larry Sweetser on behalf of the Rural Counties  
6 Environmental Services Joint Powers Authority.

7 And I do want to express appreciation for the  
8 Board's effort, especially Jim's efforts at listening to  
9 all of us rant and rave our concerns.

10 I also want to address Member Peace's question  
11 about -- I think you perfectly analyzed the state of the  
12 requirements as far as what the regulations say and all we  
13 have to do. They're confusing, they're counterintuitive.  
14 Nonetheless they're a fact and the regulations that we  
15 have to live with. Besides, as I tell a lot of my  
16 classes, no one ever mandated that these requirements had  
17 to make sense. We just have to find a way to do it.

18 On the Sharps issue I'll be brief. Despite all  
19 the problems, many jurisdictions are going forward with  
20 the programs. They found a way short term. But long term  
21 there's a lot of questions on how we're going to do this.  
22 Many jurisdictions are not prepared for the costs and the  
23 amount of needles and Sharps that are going to be coming  
24 in. That's just overwhelming. And that's a prime example  
25 of why we need EPR.

1           And I just also thought I'd let you know, even  
2 before the September mandate I was finding a lot of  
3 jurisdictions, in some of the classes I was talking to  
4 them about load checking, many of them were finding Sharps  
5 mixed with alkaline batteries. The people have a need for  
6 these programs, and we've got to find some way to deal  
7 with it.

8           On the pharmaceuticals, you've had an incredible  
9 balancing act. I appreciate the Board taking the lead on  
10 this whole multi-agency effort. I'm sure those meetings  
11 have been quite interesting. I mean pharmaceuticals cross  
12 the line all over the place. Some of them are solid  
13 waste. Some are hazardous. Some are radioactive. And  
14 everybody has a hand in it. And so trying to figure out  
15 what to do with those is very difficult. So it's a credit  
16 to staff we've got some in there.

17           Now, under the concerns. Realizing that your  
18 proposal is a compromise of many parties, still there's  
19 many things in there that we felt were overly complex in  
20 terms of any sort of a model program.

21           Many of the procedures in there are written as  
22 absolutes: "You shall do this." "You must do this."  
23 "You can never do that." A lot of those are riddled in  
24 this document. And for a model program, that makes it  
25 very inflexible to do anything different than what's in

1 there. And realizing, many of those are part of the whole  
2 spectrum of regulations we have to deal with. But to not  
3 give us any flexibility on some of these things just  
4 seemed incredible looking through the document.

5           So one simple suggestion in order to meet your  
6 mandate may be to back away from some of those mandates  
7 and make it more of a model document that people can use  
8 and adjust. So I think that simply could be done by the  
9 deadline.

10           A number of the -- in particular, the collection  
11 process, the concern. On controlled substances we  
12 understand the need to make sure those are regulated.  
13 There's a lot of mandates, law enforcement presence in all  
14 of that.

15           But it makes it very difficult for a program,  
16 especially -- one of the requirements in there was that  
17 any unknown or unlabeled materials has to be treated as a  
18 controlled substance. We're going to get a lot of that  
19 material. To have law enforcement present in a collection  
20 program all the time just doesn't work.

21           Another one with a 90-day limit. That is one  
22 area there was flexibility on. Many of our rural  
23 jurisdictions need up to a year storage time for hazardous  
24 waste. To schedule 90-day pickups would be very  
25 difficult, very expensive. So there is an allowance in

1 the process to get written approval for an extension, so  
2 we appreciate that.

3           There is a recommendation to have pharmacists  
4 present at collection events. One of the things that's  
5 worked really well in a number of jurisdictions is to have  
6 a "don't ask" policy. Residents put their pharmaceuticals  
7 into an envelope and it quickly gets put into secured  
8 storage. You don't know it's in there. You don't know if  
9 it's controlled or not. It just goes away and it's  
10 secured.

11           To have a pharmacist at a collection event just  
12 draws a picture to mind to me of a resident driving into  
13 an event seeing someone at a table counting pills to  
14 identifying them surrounded by folks with guns. I don't  
15 think I'd stay. I think I'd leave.

16           (Laughter.)

17           MR. SWEETSER: It seems like an overly protective  
18 measure just to get some information on types and  
19 quantities and to make sure of proper categorization.

20           One other program not addressed, is many  
21 jurisdictions are doing door-to-door collection of  
22 household hazardous waste. That's not even addressed at  
23 all of this. A number of jurisdictions I've worked with  
24 want to start accepting pharmaceuticals in those programs  
25 as part of any other hazardous waste. And that raises a

1 lot of issues, especially with a controlled substance.

2 CHAIRPERSON BROWN: That was my question. That  
3 seems a little uncontrollable to go door to door  
4 collecting drugs.

5 (Laughter.)

6 MR. SWEETSER: And I'm not sure I'd want the  
7 truck advertising that they accept pharmaceuticals going  
8 through the streets either.

9 CHAIRPERSON BROWN: That goes along with curbside  
10 collection of pharmaceuticals. It's just not going to  
11 happen --

12 (Laughter.)

13 CHAIRPERSON BROWN: -- as part of a model  
14 program, I would imagine.

15 MR. SWEETSER: Nonetheless, people are interested  
16 in finding a way.

17 Collection classification. There seems to be an  
18 implied idea that anybody collecting pharmaceuticals now  
19 has to be a medical waste facility as well as a hazardous  
20 waste facility. That adds more requirements, more cost  
21 to permitting, more and more oversight, more and more  
22 complications.

23 Many people already talked about the funding  
24 issue. Again, we'll let go that as a concern. Short-term  
25 and long-term grants are just not the way to fund these

1 things long term. They get something started with -- we  
2 have a lot of trouble in our rural areas maintaining  
3 budget to collect just the normal more dangerous  
4 pesticides and things, let alone something like this.

5           One other issue nobody's mentioned so far I've  
6 been a big vocal opponent of is trying to classify  
7 pharmaceuticals as universal waste. There's a movement  
8 ahead in the federal government to do that. Their  
9 classification is far different than California. In their  
10 case, if they call it universal, it only applies to  
11 businesses. If California was to do it, it would apply to  
12 even households. Households would be prohibited.

13           And the first thing is universal waste have to be  
14 hazardous by definition. And then they're given  
15 exemptions to be handled as universal. And in order to be  
16 universal it has to be sent for recycling or reuse -- or  
17 destruction, some other way other than landfilling. It  
18 overly complicates this whole system to try and call  
19 pharmaceuticals universal waste.

20           And not only that. From those of us in the solid  
21 waste perspective, it would force us into a position of  
22 trying to make sure that we find every little pill coming  
23 in the garbage, which is just unreasonable. It's hard  
24 enough trying to find the batteries without the pills.

25           COMMITTEE MEMBER MULÉ: Talk about a load check

1 program, Larry.

2 (Laughter.)

3 MR. SWEETSER: Well, I won't even mention the  
4 idea of reuse

5 (Laughter.)

6 MR. SWEETSER: Just in conclusion, I think  
7 there's a way to get this proposal forward, a model  
8 program. I understand your legislative timeframe. But we  
9 need more flexibility in these programs.

10 The other one is to -- on the legislative front,  
11 I think if we can forward just a one-sentence bill through  
12 that allows the Board of Pharmacy to allow pharmacists and  
13 other institutions to accept needles, accept  
14 pharmaceuticals, hopefully there would be very little  
15 opposition to that simple concept.

16 CHAIRPERSON BROWN: Accept back what they  
17 dispense for proper disposal?

18 MR. SWEETSER: Exactly. And that way local  
19 government's not burdened with the cost and all the  
20 complexities.

21 So thank you very much.

22 CHAIRPERSON BROWN: Thank you, Larry.

23 I'm sure you'll get into this, but -- Howard.

24 Sorry, Larry. Thank you.

25 Model programs -- and it's my assumption that as

1 we do model ordinances, each jurisdiction has the choice  
2 to take part of it rather than the entire thing; so if  
3 there are unworkable parts or parts that don't work for  
4 L.A. versus rural counties, you cannot take that part.  
5 But, you know, the model program does not have to be taken  
6 whole part and parcel when it's done. Is that right,  
7 Howard? -- I mean other than the fact that we need to  
8 develop a program and a report to the Legislature by 2010.

9 LOCAL JURISDICTION, STATE AGENCY & BUSINESS

10 ASSISTANCE PROGRAM DIRECTOR LEVENSON: Yeah, that's true  
11 to some extent. It depends on how flexibly the guidelines  
12 are crafted. And that's something that we're going to  
13 have to continue to discuss.

14 CHAIRPERSON BROWN: Okay.

15 LOCAL JURISDICTION, STATE AGENCY & BUSINESS

16 ASSISTANCE PROGRAM DIRECTOR LEVENSON: Certainly these  
17 are -- what we've tried to put forth is what a model  
18 program ought to look like. You know, we're going to have  
19 to be --

20 CHAIRPERSON BROWN: But recognizing that San  
21 Francisco's very different than Mariposa County, which is  
22 different than San Diego and L.A. So there needs to be  
23 some flexibility in a model program for jurisdictions, I  
24 would assume. That's why we need the extra few weeks.

25 LOCAL JURISDICTION, STATE AGENCY & BUSINESS

1 ASSISTANCE PROGRAM DIRECTOR LEVENSON: That's correct. I  
2 mean that's the balancing act that we're trying to do  
3 here, is how do you provide flexibility but still meet the  
4 concerns of the regulatory agencies such as the Board of  
5 Pharmacy and Public Health -- or Department of Public  
6 Health and so on, so that people can go ahead and  
7 implement these programs but they have sufficient, you  
8 know, protections built into them?

9 CHAIRPERSON BROWN: Yeah, okay.

10 LOCAL JURISDICTION, STATE AGENCY & BUSINESS

11 ASSISTANCE PROGRAM DIRECTOR LEVENSON: And we're going to  
12 have to -- I think that's where some of the legislative  
13 issues come, and certainly both in -- when we come back in  
14 a couple months with a refined version to list out those  
15 legislative issues; also in terms of when we report back  
16 to the Legislature in roughly two years, we can identify  
17 how many of the programs were able to encompass all the  
18 components, part of the components, where there were road  
19 blocks that they weren't able to overcome.

20 CHAIRPERSON BROWN: Right. Okay.

21 COMMITTEE MEMBER MULÉ: Madam Chair?

22 CHAIRPERSON BROWN: We have one more speaker.

23 Okay. Go ahead.

24 COMMITTEE MEMBER MULÉ: I just wanted to finish  
25 up on your comment, because I -- in the discussions that

1 I've been involved with, I think there's this  
2 misunderstanding out there that a model program means a  
3 mandatory or a requirement. And I guess I have not  
4 interpreted that to be part of the model program. And,  
5 again, I think -- like, as you just said, Howard, that  
6 report will share with the Legislature in 2010 what worked  
7 and what didn't and why. And in the meantime I think we  
8 really need to focus on what the barriers to implementing  
9 these model programs are, whether it's legislative or  
10 regulatory. And let's work together with the Board of  
11 Pharmacy, Department of Health, and other stakeholders to  
12 develop some legislation that's going to help us fix the  
13 pieces of this -- of 966 that we feel are deficient.

14 Thank you.

15 CHAIRPERSON BROWN: Okay. We have a couple more  
16 now.

17 And if anyone else is waiting, bring your form  
18 up.

19 Bruce Docherty from the California Society of  
20 Health System Pharmacists.

21 MR. DOCHERTY: Hi there. Good afternoon. Bryce  
22 Docherty on behalf of the California Society of Health  
23 System Pharmacists.

24 What I'd like to do -- we have a couple comments  
25 about the recommended model programs in general. But I

1 think what I'd like to do at the outset is follow up on  
2 some of the comments that was made by Board Member Peace  
3 and Virginia Herold with the board and whatnot.

4           When SB 966 was going through the Legislature in  
5 2006, all of us who were involved in that legislative  
6 process were there for one fundamental reason, was because  
7 the information in the literature that's provided by the  
8 FDA and the DEA in terms of proper and safe disposal from  
9 an environmental and patient safety perspective and a  
10 diversion perspective of your medications is the litany of  
11 the eight-step process where you put it in with the coffee  
12 grounds or the kitty litter, you seal the container  
13 itself, you take up all identifying information, you mix  
14 in there some water to dilute the medication itself, and  
15 whatever have you.

16           This legislation was one of Senator Simitian's  
17 bills that he has made a very successful program in his  
18 district by constituents themselves submitting proposals  
19 that say, "There ought to be a law." And so the premise  
20 of the bill and the point of where we are now was a basic  
21 commonsensical constituent concern that there's not a safe  
22 and effective way of disposing of unused and/or expired  
23 medications.

24           Where we find ourselves today I think in this  
25 process, having gone through the political process, I

1 think what you can -- what you can find if you go back  
2 through the legislative history of 966 was at the end of  
3 the day, even though Senator Simitian as Chair at the time  
4 of the Environmental Quality Committee in the Senate, and  
5 all of the leadership and kind of the street heat from the  
6 constituents that they brought to bear on this issue, what  
7 you found happen with the bill was inevitably it was  
8 punted to the Integrated Waste Management Board, which is  
9 where we are today, to develop those model programs.  
10 Let's take up -- let's hit the pause button, let's see  
11 what programs work out there, let's see what deficiencies  
12 there are, and then let's report back to the Legislature  
13 December 1st of 2010 to see what works and doesn't work,  
14 and then let's let that political process play out again  
15 and see if there needs to be a statutory change in terms  
16 of how we safely dispose of medications.

17 CHAIRPERSON BROWN: I can tell you we were not  
18 the first ones stepping up to take this bill on.

19 MR. DOCHERTY: And I think being a part of the --  
20 being part of the stakeholder meetings throughout the  
21 legislative process, everybody there wanted to see some  
22 sort of resolution. But I think that the Devil is in all  
23 of these details, and I think the problem is in 2010 we  
24 might see some things that might work and that might not  
25 work.

1           The main premise from the California Society of  
2 Health System Pharmacists' perspective is the idea of  
3 bringing unused or expired pharmaceutical waste into a  
4 pharmacy. And we represent hospital health-system-based  
5 pharmacists that work, for lack of a better term, in a  
6 hospital or in a clinic or in an ambulatory setting.  
7 Those need to be maintained as, what I would argue, as  
8 almost semi-sterile environments, even if somebody's  
9 bringing unused or waste through a hospital.

10           CHAIRPERSON BROWN: So let me ask you, Bryce,  
11 what is your association's solution to taking back or  
12 disposing of these materials if you're not willing, it  
13 seems, to take them back because you want to maintain --  
14 and I understand, and it's extremely important in a  
15 hospital environment to maintain sterility amongst the  
16 -- but as you're here before us, and we're the ones tasked  
17 with putting together a model program, what is your  
18 association's resolution to take back and safely dispose  
19 of these other than the eight-step program?

20           MR. DOCHERTY: Our resolution - I think the great  
21 work that your staff and the Board has done thus far -  
22 would be the two -- primarily two of the three options.  
23 Number one would be, the one-day events I think have a lot  
24 of merit. They can be publicized. You can have folks  
25 come. You can have law enforcement personnel there. You

1 know, I understand the fear of, you know, here's all my  
2 Vicodin with, you know, guns and badges showing, number  
3 one. I think those have merit.

4 I think the mail-back programs also have merit,  
5 because what our members are telling us is we dispense the  
6 medication or we provide the medication at the bedside.  
7 So if a patient was being dispensed medication, whether  
8 it's in the retail community setting or in the inpatient  
9 setting at the pharmacy themselves, the pharmacist or the  
10 pharmacy could simply give you the envelopes and say, "In  
11 the event you have expired medications or medications  
12 you'd like to safely dispose of, please put it in this  
13 envelope and mail it back."

14 CHAIRPERSON BROWN: Well, we're not talking about  
15 things that are dispensed bedside, because that's not part  
16 of 966. As Jim pointed out at the beginning, the only  
17 things we're talking about is home generated. So that's  
18 from the pharmacy home.

19 MR. DOCHERTY: Correct.

20 CHAIRPERSON BROWN: So you're advocating and  
21 would support a program and statutory changes that would  
22 provide for pharmacies to require to hand back and to work  
23 with the manufacturer to do mail-back?

24 MR. DOCHERTY: We part company in terms of  
25 mandatory versus voluntary programs. I mean we don't

1 think --

2 CHAIRPERSON BROWN: But, of course, most  
3 manufacturers are. That's why we're going to --

4 MR. DOCHERTY: Well, we're not manufacturers.  
5 We're the providers of safe medication management, whether  
6 it's in the halls of -- the walls of the pharmacy or at  
7 the bedside.

8 The only reason I mention the hospital  
9 environment and the bedside environment is because our  
10 pharmacists are not in a community retail setting where  
11 they walk in and they might happen to pick up some bread  
12 or some soda and also pick up their medications and  
13 there's also a receptacle there for you to put your unused  
14 medication. We have a little bit different scenario where  
15 the pharmacy itself might be housed in the hospital, it  
16 might be in an adjacent building on the campus of the  
17 hospital, or what have you.

18 So the fear from our perspective in addition to  
19 medication coming back into a pharmacy would be the fact  
20 that it would have to be going into that hospital or  
21 health-system-type environment.

22 We find value in the two models that I described  
23 that were outlined in the report, which would be a  
24 mail-back and one-day event.

25 We do have some issues with -- understanding

1 they're all voluntary, we do have some issues with any  
2 sort of expired or unused medication coming back into a  
3 pharmacy. I think you would find -- if that would be one  
4 of the options, I think the industry itself, the  
5 pharmacist industry and the pharmacy industry would have  
6 some real reservations about doing that from a variety of  
7 perspectives in terms of where that receptacle would be,  
8 the fact that the pharmacist is not to take back any sort  
9 of controlled substances, and the role that not only the  
10 pharmacy but the pharmacist would have to play in  
11 disposing of those medications. That's kind of the point.

12 I'm guardedly optimistic we can get somewhere.  
13 From the discussions I hear, we're heading towards maybe  
14 some larger stakeholder meetings, which we'd be more than  
15 happy to participate in. We support voluntary take-back  
16 programs. I could tell you anecdotally that the second  
17 two options, the one-day event and the mail-back, we see a  
18 lot of promise with. Depending upon what the report looks  
19 like, we do have issues with expired or unused or any sort  
20 of toxic substances going back into the halls of the  
21 pharmacy themselves.

22 CHAIRPERSON BROWN: I understand. And I'm sorry  
23 to put you on the hot seat, but you're the one that came  
24 up in number 6.

25 MR. DOCHERTY: And I asked to go seventh.

1           CHAIRPERSON BROWN: Well, sorry. But I think  
2 that you've probably heard there are issues - who's going  
3 to pay for the one-day collections? It's always been an  
4 issue with local governments bearing the burden of  
5 everybody along a product's life cycle and chain, is the  
6 manufacturer, the dispenser, the -- whoever is dispensing  
7 it, you know, there's no responsibility for collection and  
8 disposal of these materials. And that's why this Board  
9 has supported an EPR framework that is a more shared  
10 approach across the board, where there's shared  
11 responsibility from the manufacturer to the retailer, in  
12 this case it would be the pharmacist, along with the local  
13 government.

14           So, I can certainly tell you that we have spoken  
15 very clearly about extended producer responsibility.  
16 Mail-back and all of that would be great. But there bears  
17 some responsibility across the board for safe disposal of  
18 Sharps and pharmaceuticals. And this legislation was  
19 clearly absent in recognizing that. And I think we are  
20 the unbiased intermediary tasked with negotiating this  
21 whole issue.

22           MR. DOCHERTY: And the only thing I would say is  
23 I understand that. And in the last two hours I've become  
24 well versed in what the EPR process is. It's a new  
25 nomenclature for me, so I'll go ahead and share that with

1 our board.

2 But, again, just want to reemphasize the fact  
3 that we're able and willing participants in this process.  
4 Misery loves company as it does through the legislative  
5 process. And we were there at that time and we'll be here  
6 this time for you as well.

7 CHAIRPERSON BROWN: Great. We appreciate your  
8 participation and look forward to you participating in the  
9 extended stakeholder discussions that our staff is going  
10 to do.

11 MR. DOCHERTY: Thank you.

12 CHAIRPERSON BROWN: Thank you, Bryce.

13 Our next speaker is John Cupps.

14 And you crossed out Glenn, so I'm assuming you're  
15 not here on behalf of L.A. County. Or are you speaking on  
16 behalf of L.A. County this time?

17 MR. CUPPS: John Cupps speaking on behalf of the  
18 Los Angeles County Sanitation Districts.

19 CHAIRPERSON BROWN: Wow. Okay.

20 MR. CUPPS: Glenn was here earlier and did want  
21 to testify. But he did have a plane to catch and  
22 apologizes that he had to leave. So you're stuck with me.

23 I'll keep it real simple. Their concerns were,  
24 first of all, we didn't see this document until early last  
25 week. I think it was not until Tuesday that it even went

1 up on the Board's website. So there's been a very limited  
2 opportunity to review and provide comments on it.

3 So the main message is that we would request an  
4 opportunity for further time to submit comments and  
5 hopefully participate in any process to make revisions to  
6 the document. That's really already been addressed.

7 I think the Sanitation Districts also share the  
8 concerns expressed by other representatives of local  
9 governments, City of San Francisco and Mr. Sweetser, about  
10 some of the provisions being overly restrictive,  
11 particularly in the context of a model program, to the  
12 extent that they would really tend to discourage local  
13 governments from going forward with implementing those  
14 programs.

15 Thank you.

16 CHAIRPERSON BROWN: Thank you, John.

17 I think that part of the concern with us at this  
18 point was not getting input as needed in order to make the  
19 changes to allow for our full stakeholder participation as  
20 we normally do, which is why Howard did address that at  
21 our brief intermission.

22 Our last speaker is Steve Gray, California  
23 Pharmacists Association.

24 DR. GRAY: Good afternoon. My name is Steve  
25 Gray. I'm on the Board of Trustees of the California

1 Pharmacists Association. I'm also a pharmacist and have  
2 been working in that field for over 40 years.

3 I would first like to express some of the ideas  
4 that were put forth by Mr. Docherty. Through this process  
5 of legislation we ended up with an attempt to move forward  
6 to resolve a perceived problem. And I say a perceived  
7 problem because it came up in the context of when people  
8 throw away their meds, it causes a problem in the  
9 groundwater, stream water, from which we may get our  
10 drinking water, or it may affect food chains.

11 The reality is somewhat different though. The  
12 reality is that more than 99 percent of the drugs that are  
13 in our water streams do not come from drugs that are  
14 thrown away by household. They come from drugs that are  
15 excreted from your body. If you solve this problem, you  
16 will virtually make no impact at all but it will feel  
17 good. And that was what that bill was all about, "There  
18 ought to be a law."

19 What we've done is we've changed their bill as it  
20 was started to move forward as indicated to develop model  
21 programs, to see what may work and what won't work. I  
22 would encourage you to let that process play out before  
23 you consider making anything mandatory.

24 That's very important. When you start making  
25 things mandatory on our health care industry, you raise

1 the cost of health care. Someone's going to bear the  
2 cost. If it's not local government, it's going to be the  
3 cost to the health care industry.

4           What's been talked about today, and referenced,  
5 is mandatory programs for pharmacies. The reality is  
6 those pharmacies, if they can, are going to have to pass  
7 that cost on to patients. If they can't pass the cost on  
8 to patients, they're going to have to absorb that cost.

9           Most of the prescriptions filled in outpatient  
10 pharmacies today are paid for by third party payers  
11 outside the State of California. Those costs cannot be  
12 passed on. What they get reimbursed, what they get paid  
13 is already defined. It's already defined, for an example,  
14 by our state government, for both Medi-Cal and for  
15 workers' comp prescriptions. Unless you're going to  
16 change those formulas by your legislation, they will not  
17 get reimbursed for those costs.

18           The costs to the pharmacies are substantial.  
19 It's not just the costs of the disposal, which is huge,  
20 but it's also the cost of the collection, the maintaining,  
21 the increased liability. Pharmacies and pharmacists are  
22 one of our most expensive forms of health care labor.  
23 Does it really make sense to go forward with a program to  
24 mandate it on those where you're going to incur the  
25 largest costs?

1           Now, there will be some pharmacies and there have  
2 been pharmacies that have moved forward and have gone --  
3 for whatever economic, social, environmental, whatever  
4 reason, they've gone forward, and they have not all been  
5 altruistic. Some of them see in their particular  
6 communities an economic advantage to actually collecting  
7 expired or unwanted pharmaceutical waste.

8           But it would be wrong to think that all the  
9 pharmacies in the state could bear that cost. And, in  
10 fact, given the economic situation, recent cuts in  
11 Medi-Cal and others, some of the pharmacies, this will be  
12 the tipping point at which they have to then go out of  
13 business, and you're going to hurt the availability of  
14 pharmacist services in some of our most vulnerable  
15 communities, both inner city, rural and other  
16 environments. Please keep that in mind when you consider  
17 making things mandatory on pharmacies.

18           To correct something that was an impression, by  
19 the way, hospitals do dispense drugs to outpatients, They  
20 all have hospital pharmacies that have an unlimited  
21 license where they dispense drugs to patients at they're  
22 being discharged, as they're going on pass. And, in fact,  
23 more and more hospitals are going into the outpatient care  
24 business and their pharmacies also dispense drugs there.  
25 So even though this is household-generated waste,

1 mandatory programs will affect the cost to some of our  
2 most vulnerable health care institutions for waste.

3           Also as I suggest as you go forward -- Mr.  
4 Docherty mentioned that there were two alternatives that  
5 seemed, you know, at first glance to be good alternatives.  
6 I think those are correct. But there's also another one,  
7 which is to provide some type of community collection  
8 point rather than a take-back program. Take-back seems to  
9 imply that those who sold it or dispensed it would be of  
10 mandatory programs.

11           But some of the places that where apparently has  
12 worked well or at least they've dramatically increased the  
13 amount that is collected and disposed of properly have  
14 been those where the cities have stepped forward,  
15 established collection points at either police stations,  
16 fire departments or some other way, where it is both legal  
17 and it is a much more controlled and less costly  
18 environment to collect these pharmaceuticals.

19           CHAIRPERSON BROWN: But my question to you again,  
20 Mr. Gray, to Mr. Docherty as well, who's going to pay for  
21 that? Who pays for it? And you're talking about the  
22 pharmacy going out of business. These local governments  
23 are going bankrupt because they have to take care of all  
24 of these household hazardous wastes and different things  
25 that are banned from the landfill, and there's no

1 responsibility other than put on a local government. And  
2 I'm sorry, but the local governments should not have to  
3 bear the sole responsibility, in my personal opinion, for  
4 collecting of all these things and allow everybody else to  
5 not participate. That is the issue and that's why we're  
6 here today.

7 DR. GRAY: I'm not necessarily advocating that  
8 local government bear the cost. What I'm advocating is  
9 that local government can establish collection points that  
10 are much more reasonable in the overall picture but maybe  
11 somebody else bears the cost. State government, for an  
12 example.

13 CHAIRPERSON BROWN: Well, and that's -- and I  
14 know that this is not a board that you'd typically appear  
15 in front of. But that is what this Board has adopted as  
16 an EPR framework. The pharmaceutical industry or the  
17 pharmacists association, the group of people that is  
18 responsible, could set up a third party entity that  
19 independently manages the program on your behalf. That's  
20 the beauty of EPR. It doesn't say that it has to go back  
21 to a pharmacy. It doesn't say that you have to take it  
22 back. It says that you're responsible for the safe  
23 end-of-life management. That can be the local government  
24 if the industry is taking responsibility for a portion of  
25 the cost of the disposal.

1           So I would encourage you to look at, and the  
2 Pharmacists Board to look at this Board's EPR framework  
3 and how fair and level playing field has been created  
4 across the board for a shared responsibility. It's not  
5 putting it solely on the manufacturer or on the retailer  
6 and certainly not on a local government to bear the costs  
7 and responsibility for collection and safe disposal of  
8 these materials.

9           DR. GRAY: I would agree that as we go forward  
10 the charge from the Legislature was to look at model  
11 programs. Certainly funding is a part of those  
12 considerations. We're going to need a lot of input. But  
13 I also encourage you -- you mentioned earlier that you  
14 were the unbiased board. I think this process --

15           CHAIRPERSON BROWN: Well, I'm not saying that.  
16 I'm just saying we certainly don't handle Sharps and  
17 pharmaceuticals like the Pharmacists Board and the  
18 Department of Public Health. That was my only comment, is  
19 we do not get involved in these issues other than their  
20 disposal. So clearly we've been put in the position of  
21 looking at disposal of these materials.

22           DR. GRAY: Right.

23           I also think that there's a difference here that  
24 has to be recognized -- there's two differences that need  
25 to be well recognized. First of all, in discussions that

1 I have been personally involved in with some of the waste  
2 agencies and some of the counties, they've basically said  
3 to me that for their county or portions of their county,  
4 that pharmaceuticals in the groundwater are not -- from  
5 household waste are not a problem. They have lined  
6 landfills. They drain off all the liquids if there are  
7 any. And they dispose of that or incinerate it properly.  
8 So I think you need to check with the local people - this  
9 has come up several times over the years - and see if it  
10 really is a problem in those places where they have lined  
11 landfills and so forth.

12           Second, it was mentioned earlier about this  
13 process of how the pharmaceuticals are rendered basically  
14 unusable. You know, you talked about the coffee grounds,  
15 the kitty litter and so forth. That tells you that  
16 this -- as you know, that this is a distinctly different  
17 problem than you have with batteries, with tires, and so  
18 forth, in the sense that those are not products that are  
19 necessarily highly valuable and highly subject to  
20 diversion for illicit purposes.

21           Having said that, the statements made by the FDA  
22 and the DEA on how to dispose of these by rendering them  
23 unattractive or unusable is very important, because we do  
24 have an issue, not just with teenagers who get into the  
25 parents' medicine chest. We have a significant issue that

1 is recognized with seniors and others who share  
2 pharmaceuticals sometimes postmortem by passing them out  
3 as they're dying to their colleagues in the senior homes.

4           So we have to provide a way for these  
5 pharmaceuticals to be collected, rendered in a way that  
6 they're not usable. But, again, this was a problem  
7 that -- actually this discussion has caused more of a  
8 problem. We had patients who knew how to dispose of them  
9 and have been encouraged by their assisted living  
10 facilities and their other senior centers, for an example,  
11 to dispose of them properly. Now they're in a quandary,  
12 because they hear this discussion that that's not  
13 appropriate, and so they're in some cases actually holding  
14 on to them, wondering what they're supposed to do.

15           So I would encourage you also to be careful as  
16 you go forward that we not discourage things that have  
17 solved part of the problem in an effort to solve what may  
18 be an illusionary solution to the problem of  
19 pharmaceuticals in the groundwater. And I encourage you  
20 again to recognize that that is a problem of body  
21 excretion, to the 99 plus percentile, not a problem of  
22 drugs thrown out by households.

23           CHAIRPERSON BROWN: Well, fortunately, Mr. Gray,  
24 that's not for us to decide at this Board. And our sister  
25 agency is the one who has the studies regarding

1 groundwater and the prevalence of pharmaceuticals in the  
2 water. So we will leave that to our sister agency.

3 I will say I have the highest respect for Senator  
4 Simitian and the legislation that he put forward in an  
5 effort for environmental safeguards. And the way it ended  
6 up may not have been the best piece of legislation, but I  
7 think the intent was there. I certainly don't agree with  
8 Mr. Docherty that it was a whim that was put forward by  
9 one of his constituents.

10 And we will work with this piece of legislation.  
11 Fortunately it is not in our hands to make anything  
12 mandatory. That is the Legislature. And I trust that you  
13 will go over and start lobbying the Legislature on what  
14 should and shouldn't be mandatory programs. Simply, all  
15 we're doing here is abiding by the statutory obligation  
16 that we have, which is to design a model program for the  
17 safeguard of pharmaceuticals and Sharps for their  
18 end-of-life management.

19 DR. GRAY: Very good.

20 CHAIRPERSON BROWN: And we will do that.

21 DR. GRAY: Thank you.

22 CHAIRPERSON BROWN: Thank you.

23 And a apologize. There is one other speaker that  
24 your slip got stuck to another one. And so I will invite  
25 up Sharon Newton from the City of San Jose, with my

1 apologies.

2 MS. NEWTON: Good afternoon. My comments I'll  
3 keep brief. I did provide written comments, and I won't  
4 get into the details of it. But I'm with the City of San  
5 Jose Environmental Services Department.

6 And we are a public agency evaluating how to  
7 establish on an ongoing pharmaceutical collection program  
8 for our residents. And as such, when we received the  
9 document and reviewed it, we reviewed it from that  
10 standpoint. And our general comment is we'd really -- we  
11 were hoping and anticipating this document to be a road  
12 map that would guide us with more specifics than what I  
13 actually saw in some instances.

14 For example, there's a section that discusses  
15 getting your program approved. It provides a list of  
16 agencies that you may want to contact. It would be very  
17 helpful for us to have something a little more  
18 prescriptive in this case where "you absolutely must  
19 contact these agencies." And I know there may be some  
20 variation from city to city or county to county. But  
21 wherever that is possible, that type of information would  
22 assist us.

23 The general categories of our other comments have  
24 to do with the definition of household-generated  
25 pharmaceuticals. Whether they are hazardous waste,

1 household hazardous waste, or medical waste, providing a  
2 little bit more of a description to those of us who are  
3 trying to get our arms around the issue would also be of  
4 value to us.

5 As well as understanding the role of law  
6 enforcement. Who is that actually? Is it just police and  
7 sheriff, or do you have other options as an agency trying  
8 to implement a program?

9 So that's the gist of our programs.

10 And I will echo one final point, the sentiments  
11 expressed earlier regarding funding. We're all strapped.  
12 So any assistance that we can share with the manufacturers  
13 would be wonderful.

14 So thank you.

15 CHAIRPERSON BROWN: Thank you, Sharon. Sorry I  
16 missed your speaker slip.

17 Howard, do you want to close, wrap up? I think  
18 we laid out sort of the next steps on where we're going to  
19 go.

20 LOCAL JURISDICTION, STATE AGENCY & BUSINESS

21 ASSISTANCE PROGRAM DIRECTOR LEVENSON: Thank you, Madam  
22 Chair.

23 I think we have a couple things to do. One is  
24 the Board does have to take an action this week, at least  
25 a provisional action to adopt a draft, knowing that we

1 will have subsequent discussions.

2           In terms of having subsequent discussions, what  
3 I'm envisioning is probably one large stakeholder meeting.  
4 In order to facilitate that we will need -- we need  
5 specific comments from various interested parties. I know  
6 we've gotten some today. For those of you who have not  
7 submitted anything, if you can submit something by the end  
8 of next week. Then what we will do is we'll put together  
9 a matrix of all those comments, we will provide a staff  
10 response and then provide a revised document, so that that  
11 can be discussed at that stakeholder meeting. And  
12 probably Brenda and I will facilitate that meeting.  
13 Because it's not -- I do not want to go into the mode of  
14 multiple stakeholder meetings to have broad discussions.  
15 We need to work on making this document as acceptable as  
16 we can to the broadest portion of the stakeholders.

17           We probably won't get a hundred percent  
18 agreement. We'll probably have to come back to you in  
19 that February item with "Here's X number of issues where  
20 we could not get a consensus" and "Board, you're going to  
21 have to make a policy call." We'll give you a  
22 recommendation.

23           So that's my sort of timeline. We probably  
24 would --

25           CHAIRPERSON BROWN: When are you looking at for

1 the stakeholder meeting time frame? Mid, late?

2 LOCAL JURISDICTION, STATE AGENCY & BUSINESS

3 ASSISTANCE PROGRAM DIRECTOR LEVENSON: It's the terms of

4 the holidays makes it difficult in getting a room. But it

5 has to be early January at the latest. Probably more

6 like --

7 CHAIRPERSON BROWN: Not later than the 12th?

8 LOCAL JURISDICTION, STATE AGENCY & BUSINESS

9 ASSISTANCE PROGRAM DIRECTOR LEVENSON: Third week of

10 December, if we could schedule something. So we'll have

11 to scramble.

12 CHAIRPERSON BROWN: Yeah, committee week starts

13 the 12th. So maybe that week before. Or if you can do

14 the third week in December. So we encourage --

15 LOCAL JURISDICTION, STATE AGENCY & BUSINESS

16 ASSISTANCE PROGRAM DIRECTOR LEVENSON: I prefer to do it

17 in December as opposed to January.

18 CHAIRPERSON BROWN: Yeah. It would be desirable

19 to do it the week after the Board meeting. That does get

20 in pretty late. But, you know, maybe around the 21st,

21 2nd. And then make it available -- we can do it as a

22 webinar maybe. So people if they can't get up here can

23 actually listen in and Email questions. That might be a

24 little bit more of a challenge. But if we could do that,

25 to allow for a maximum participation or input.

1 But the deadline for comments is November

2 14th -- or end of next week, 22nd?

3 LOCAL JURISDICTION, STATE AGENCY & BUSINESS

4 ASSISTANCE PROGRAM DIRECTOR LEVENSON: Whatever that

5 Friday is.

6 CHAIRPERSON BROWN: Twenty-first.

7 LOCAL JURISDICTION, STATE AGENCY & BUSINESS

8 ASSISTANCE PROGRAM DIRECTOR LEVENSON: Twenty-first?

9 CHAIRPERSON BROWN: Twenty-first.

10 Okay. So deadline for comments on the document

11 that we are looking at today is the 21st of November.

12 We'll look for a stakeholder session hopefully around the

13 third week in December. Bring some items back to the

14 Board for consideration probably in February.

15 So does that work?

16 Okay.

17 COMMITTEE MEMBER MULÉ: And, again, Madam Chair,

18 I'd like to thank our staff for all of their work and for

19 all the folks out there who participated in this process.

20 I mean as we've heard today, this is not an easy issue to

21 address. There's a number of concerns that, you know,

22 remain to be resolved. But hopefully we'll be able to

23 work together to resolve some of those issues.

24 Thank you.

25 CHAIRPERSON BROWN: Could I have a resolution,

1 with a clear direction that this is a temporary model  
2 program that we anticipate getting revisions to.

3 COMMITTEE MEMBER MULÉ: Okay. I'd like to -- can  
4 we do that, Elliot? Or do you want to just put  
5 together --

6 CHIEF COUNSEL BLOCK: Yeah, you can move a  
7 resolution --

8 CHAIRPERSON BROWN: Yeah, we adopt a resolution.  
9 I just want --

10 CHIEF COUNSEL BLOCK: -- adopt a resolution with  
11 that further direction.

12 CHAIRPERSON BROWN: Great.

13 COMMITTEE MEMBER MULÉ: So I'd like to move  
14 adoption of Resolution 2008-181, with the changes and  
15 amendments that we just discussed.

16 CHAIRPERSON BROWN: Actually, there aren't any  
17 changes or amendments at this point. You were adopting  
18 the resolution as is. And from the dais we are directing  
19 staff to take additional comments after it that we can  
20 take into consideration within the next three months.

21 COMMITTEE MEMBER MULÉ: And then would we --  
22 okay. I was going to say then, would we look at then  
23 Option 2, which is to make --

24 CHAIRPERSON BROWN: No.

25 COMMITTEE MEMBER MULÉ: So we're not making any

1 changes today?

2 CHAIRPERSON BROWN: We're not making any changes  
3 today because we've gotten too much last-minute input in  
4 order to make the changes before this Thursday.

5 CHIEF COUNSEL BLOCK: Right. So this would not  
6 be Option 2. You're not --

7 COMMITTEE MEMBER MULÉ: Yeah, it's not Option 2  
8 because we're not making changes today.

9 CHAIRPERSON BROWN: I just want to make it that  
10 we are on the record that stakeholders will have an  
11 opportunity to continue to provide input. We'll take that  
12 direction. And then we will revise the model program  
13 within the next 90 to 100 days.

14 COMMITTEE MEMBER MULÉ: Is there a second?

15 COMMITTEE MEMBER PETERSEN: Oh, I'm seconding  
16 that.

17 CHAIRPERSON BROWN: Okay. With a guidance and  
18 help we've finally figured out how to move the resolution.  
19 Rosalie moved it, Gary seconded.

20 Kristen, can you call the roll.

21 COMMITTEE SECRETARY GARNER: Chesbro?  
22 Mulé?

23 COMMITTEE MEMBER MULÉ: Aye.

24 COMMITTEE SECRETARY GARNER: Peace?

25 COMMITTEE MEMBER PEACE: Aye.

1 COMMITTEE SECRETARY GARNER: Petersen?

2 COMMITTEE MEMBER PETERSEN: Aye.

3 COMMITTEE SECRETARY GARNER: Brown?

4 CHAIRPERSON BROWN: Aye.

5 Okay. Clear direction.

6 Thank you, everybody, for your input.

7 I need to ask for a five-minute recess. I have  
8 to return a call, and then we'll be right back.

9 LOCAL JURISDICTION, STATE AGENCY & BUSINESS

10 ASSISTANCE PROGRAM DIRECTOR LEVENSON: Madam Chair, just  
11 for clarify for Thursday's meeting. Since you've adopted  
12 this at the Committee, would you be putting this on  
13 consent and have no expectation of hearing this again on  
14 Thursday?

15 CHAIRPERSON BROWN: Yes. This will go on consent  
16 on Thursday, so we don't need additional testimony on this  
17 item on Thursday. We'll hold that for the stakeholder  
18 meeting in December.

19 (Thereupon a recess was taken.)

20 CHAIRPERSON BROWN: Okay. Thank you, all. I had  
21 to take a little break.

22 And we will move now to our next agenda item,  
23 which is Board Item 5, Committee Item D.

24 And I think that we're going to ask Dr. Levenson  
25 back up to the front to do the intro on this one, with his

1 very capable assistants.

2 LOCAL JURISDICTION, STATE AGENCY & BUSINESS

3 ASSISTANCE PROGRAM DIRECTOR LEVENSON: Thank you, Madam

4 Chair. And I think in order to -- given the lateness of

5 the day, I'm going to just skip my opening remarks and --

6 because I don't think there was really anything -- other

7 than I did want to commend, you know, our ARB colleagues

8 for their work on this. I think you look at the scoping

9 plan in the appendices and it's a daunting task. And

10 while certainly there are many issues to be resolved, it's

11 been a pretty amazing road that they have traveled.

12 Brenda and Clark are going to provide you with an

13 overview of the solid waste management recycling

14 strategies. And I think let's just get it rolling so we

15 can get to questions.

16 (Thereupon an overhead presentation was

17 Presented as follows.)

18 STATEWIDE TECHNICAL & ANALYTICAL RESOURCES

19 DIVISION CHIEF SMYTH: Okay. We'll try to speed this up.

20 Good afternoon, Madam Chair and Board members.

21 I'm Brenda Smyth with the Sustainability Program. And I

22 want to thank you for the opportunity to update you on the

23 status of the Waste Board's activities on climate change

24 and a discussion of the AB 32 proposed scoping plan.

25 Since our last update to the Board a lot has

1 happened, as you can imagine. And we appreciate this  
2 opportunity to bring you up to speed on the current  
3 status.

4 And I would also like to mention and thank Jon  
5 Costantino of the ARB Office of Climate Change, who's with  
6 us today to answer any questions that you may have on the  
7 proposed scoping plan.

8 --o0o--

9 STATEWIDE TECHNICAL & ANALYTICAL RESOURCES

10 DIVISION CHIEF SMYTH: This slide recaps a lot of the  
11 information you have already seen. So in the interest of  
12 time and wanting to spend some more time on later slides,  
13 I'm going to skip through this.

14 But basically the draft scoping plan was released  
15 in June 2008 and we updated you on that. Since then the  
16 proposed scoping plan was released on October 15th. And  
17 this will provide you for an update on that plan.

18 --o0o--

19 STATEWIDE TECHNICAL & ANALYTICAL RESOURCES

20 DIVISION CHIEF SMYTH: Like the draft scoping plan, the  
21 ARB's proposed scoping plan recommends a mix of strategies  
22 that combine market-based regulatory approaches, other  
23 regulations, voluntary measures, fees, and potential  
24 monetary and non-monetary incentives. Some of the key  
25 elements that are being recommended in the proposed

1 scoping plan include aggressive energy efficiency  
2 programs. And also central to the plan is a cap and trade  
3 program that's linked to the programs of the Western  
4 Climate Initiative partners.

5           The cap and trade program will be focusing on the  
6 largest sectors - electricity, transportation, industrial  
7 sources, and natural gas.

8           The plan also recommends regional targets for  
9 transportation-related GHG reductions through sustainable  
10 land use and transportation planning.

11           And also existing policies and programs are  
12 included in the proposed plan, such as the Pavley program  
13 and low carbon fuel standards.

14           The plan also recommends targeted fees.

15           Some of the key changes between the draft scoping  
16 plan and the proposed scoping plan are -- well, perhaps  
17 the most significant key change for us is that in addition  
18 to the landfill methane control strategy, the proposed  
19 scoping plan now incorporates our additional measures that  
20 reduce the amount of land -- of materials going to  
21 landfills.

22           Other key changes include a five million metric  
23 ton CO2 equivalent margin of safety and the reduction  
24 goals called for. So the measures now total 174 million  
25 metric tons of CO2. You might have noticed that on the

1 first slide.

2 The plan also has increased regional  
3 transportation targets and has set goals for local  
4 governments that parallel state goal of 30 percent below  
5 business as usual.

6 The plan added four additional industrial  
7 measures on refineries and oil and gas extraction and  
8 transmission. And the plan adds a fee on the high global  
9 warming potential gases.

10 And, at this point, I'd like to turn it over to  
11 Clark, and he will walk you through the recycling waste  
12 management sector strategies in the plan.

13 --o0o--

14 CLIMATE CHANGE & TECHNOLOGY SECTION SUPERVISOR  
15 WILLIAMS: Thank you, Brenda.

16 Since the release of the draft scoping plan in  
17 June, we have worked with ARB to reassess the potential  
18 measures in the recycling waste sector. As a result of  
19 this review and input from stakeholders, ARB has included  
20 five additional GHG reduction measures in the proposed  
21 scoping plan.

22 As noted, only one million metric tons of  
23 greenhouse gas reductions which come from the landfill  
24 methane control -- or the action measure are counted  
25 towards the AB 322020 goal.

1           The additional nine million metric tons of  
2 greenhouse gas reductions from recycling and waste  
3 measures are considered part of the plan's margin of  
4 safety for uncapped sectors. The margin of safety is  
5 additional reductions beyond those in the plan to come  
6 from measures that may not achieve the estimated GHG  
7 reductions.

8                               --o0o--

9           CLIMATE CHANGE & TECHNOLOGY SECTION SUPERVISOR

10 WILLIAMS: Two other measures the Waste Board worked to  
11 develop through our participation in the CAT subgroups was  
12 discussed in the appendix to the proposed scoping plan.  
13 One would increase the conversion of landfill gas to  
14 liquid natural gas, or LNG. And the other one involves  
15 watershed friendly landscape guidelines which is included  
16 in the appendix as an action that will support local  
17 action to reach regional greenhouse gas reduction targets  
18 through water conservation, increased use of compost and  
19 mulch, and reduce generation of the landscaping waste.

20                               --o0o--

21           CLIMATE CHANGE & TECHNOLOGY SECTION SUPERVISOR

22 WILLIAMS: Scott Walker and Stephanie Young with Waste  
23 Compliance Mitigation Program provided an update on this  
24 measure at the October Board meeting. I'll just reiterate  
25 that landfills are the largest anthropogenic source of

1 methane emissions, accounting for 5.62 million metric tons  
2 of carbon dioxide equivalence in 2004.

3           The proposed lead agency for this measure is the  
4 Air Resources Board. And they hope to have regulations to  
5 implement this measure enforceable by January 1 of 2010.

6                               --o0o--

7           CLIMATE CHANGE & TECHNOLOGY SECTION SUPERVISOR

8 WILLIAMS: This is one of the new measures in the proposed  
9 scoping plan. Over 60 percent of landfill waste is from  
10 the commercial sector. Reductions in greenhouse gas  
11 emissions from solid waste can be realized by recovering  
12 traditional recyclable materials from the waste stream to  
13 use in manufacturing of products for these materials.

14           Options for implementation include mandatory,  
15 voluntary, or a hybrid approach. Some of the  
16 considerations as we work on implementing this measure  
17 include uncertainties related to legislative authority,  
18 whether financial incentives such as offsets, allowances,  
19 or direct subsidies would be available under either  
20 mandatory or voluntary approach to implementation, what's  
21 the cost effectiveness for the businesses that are  
22 affected by this measure, and what are the implementation  
23 costs to state and local governments to implement and  
24 enforce commercial recycling?

25           Because of these uncertainties, a variety of

1 implementation approaches may be needed to achieve  
2 diversion of recyclables from the commercial sector.

3 --o0o--

4 CLIMATE CHANGE & TECHNOLOGY SECTION SUPERVISOR

5 WILLIAMS: The proposed plan also identifies the Waste  
6 Management Board as a lead agency for increasing  
7 production of markets for compost. A lot of elements here  
8 that are similar to our existing Strategic Directive 6.1.  
9 And I would note that there's going to be an item before  
10 the Board in December on the organics road map which will  
11 kind of outline some of the implementation steps to  
12 getting the reductions through this measure.

13 --o0o--

14 CLIMATE CHANGE & TECHNOLOGY SECTION SUPERVISOR

15 WILLIAMS: Anaerobe digestion is a biologic process  
16 employed in California by wastewater treatment facilities  
17 for sledge degradation and stabilization. It was also the  
18 principal process occurring in landfills. Large animal  
19 farms in the U.S. are turning to use of AD as a means of  
20 mitigating environmental impacts of manure lagoons, with  
21 some capture of methane for energy production.

22 Europe has developed large scale centralized AD  
23 systems for municipal solid waste management treatment,  
24 with electricity generation as a co-product.

25 The proposed scoping plan identifies 2 million

1 metric from this measure by diverting waste types with  
2 high methane generation potential to anaerobic digestion.

3 CONB intends to refine the GHG reduction estimate  
4 from this measure based on the results of our organics LCA  
5 contract, which has just recently gotten underway again.

6 There's also the potential for this measure to  
7 benefit from synergies in the proposed scoping plan with  
8 the agricultural sector and water sector, specifically  
9 with the measures in those sectors to increase renewable  
10 energy production from water and also capture methane at  
11 large dairies.

12 --o0o--

13 CLIMATE CHANGE & TECHNOLOGY SECTION SUPERVISOR  
14 WILLIAMS: Based on the discussion surrounding the last  
15 item, I don't think I need to go into any detail on what  
16 EPR is or the framework the Board's adopted. I would just  
17 note that the Waste Management Board is currently the lead  
18 for EPR and the EPP measure, and we have begun discussions  
19 with ARB about transferring the lead of the EPP measure to  
20 DGS in light of DGS's leadership in the State EPP Task  
21 Force and their responsibilities for oversight of state  
22 procurement.

23 The state government through the proposed scoping  
24 plan and executive orders by the Governor has been charged  
25 to really lead by example in reducing our state's

1 greenhouse gas emissions, on the order of 30 percent over  
2 a business-as-usual scenario by 2020.

3           And EPR and EPP are measures that provide the  
4 state a great opportunity to lead by example introducing  
5 our impacts on climate change.

6                               --o0o--

7           CLIMATE CHANGE & TECHNOLOGY SECTION SUPERVISOR

8 WILLIAMS: There's a host of additional strategies within  
9 the proposed scoping plan and supporting documents that  
10 involve or affect the Waste Management Board. These  
11 include ARB evaluating ways to reduce greenhouse gases  
12 from in-state manufacturing of glass. This could result  
13 in an increased demand for recycled glass. ARB is also  
14 planning to adopt a discreet early action measure on tire  
15 inflation at their March 2009 board meeting. And there's  
16 efforts underway with our Office of Education and the  
17 Environment to integrate climate change into K through 12  
18 education.

19           We will continue to monitor and participate in  
20 the development of these strategies to reduce greenhouse  
21 gas emissions.

22           And I think what I'd like to do now is turn it  
23 back over to Brenda to highlight some of the key issues  
24 and our next steps.

25           And I realize we moved through that material

1 pretty quickly, but we'd be happy to take any questions.

2 --o0o--

3 STATEWIDE TECHNICAL & ANALYTICAL RESOURCES

4 DIVISION CHIEF SMYTH: Okay. These next slides are pretty  
5 important, so I'm going to slow it down just a little bit.

6 The ARB still has several major issues under  
7 evaluation. These include cap and trade. For example,  
8 how much should the plan rely on cap and trade versus  
9 direct regulation? Industry groups would advocate cap and  
10 trade, while environmental groups would like greater  
11 reliance on direct regulation.

12 The proposed scoping plan places a cap on 85  
13 percent of the emissions and is recommending complementary  
14 regulations.

15 Allocation of allowances and how they should be  
16 distributed is another major issue. Should they be freely  
17 distributed or should they be auctioned? If they are  
18 auctioned, how should the revenues be utilized? ARB will  
19 be leading a robust public process to determine the best  
20 approach for these issues.

21 What should the role of offsets be? This is an  
22 important question for the recycling and waste management  
23 sector as offsets are surplus emission reductions that  
24 happen outside of the cap-and-trade program. Offsets will  
25 have rigorous standards to meet to show that the emission

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1 reductions are real, permanent, quantifiable, verifiable,  
2 enforceable and additional.

3           The Waste Board has been invited to participate  
4 with ARB on the WCI Offset Subcommittee. The WCI Offset  
5 Subcommittee will be tasked with assessing offset  
6 reduction protocols that could be used for compliance  
7 purposes within the regional cap and trade program.

8           The use of revenue generated from auctioning  
9 allowances is another important issue. Could a portion of  
10 these revenues be used to incentivize emission reduction  
11 programs outside the cap and trade program such as  
12 recycling.

13                   And the ARB will be looking at the co-benefits of  
14 the measures and how they impact air pollution and public  
15 health.

16 --o0o--

17 STATEWIDE TECHNICAL & ANALYTICAL RESOURCES

18 DIVISION CHIEF SMYTH: Now, we need to account for some  
19 outstanding issues. And, that is, we need to account for  
20 indirect emissions in GHG inventories to ensure that the  
21 broader regional and global benefits of system-based  
22 recycling measures are recognized and accounted for. For  
23 measures like recycling, a systems approach is needed  
24 which looks at both direct and indirect emissions or  
25 emission reductions. Such an approach would treat

1 boundary issues as regional opportunities that result in  
2 global solutions. The full potential of contribution of  
3 system-based measures like recycling can be substantial.  
4 And while they are difficult to quantify, they cannot be  
5 ignored.

6           The role of local governments in the  
7 implementation of such measures is equally important. The  
8 local government operations protocol employs an emissions  
9 inventory-based accounting approach that, if not coupled  
10 with the system's approach, will only serve to discourage  
11 recycling due to transportation emissions of collection  
12 routes.

13           In reality, the transportation emissions  
14 associated with collection routes are significant compared  
15 to the emission reductions realized by recycling.

16           We also need to integrate recycling waste  
17 management measures with other industry sectors in order  
18 to turn these measures into real emission reductions. For  
19 example, the agriculture and water sectors will be  
20 critical for creating markets for composting, which in  
21 turn will contribute to carbon soil sequestration;  
22 reductions in chemical fertilizers, herbicides, and  
23 pesticides; and water conservation.

24           Similarly, integration with the renewables  
25 portfolio standard will be critical for incentivizing

1 measures such as landfill gas-to-energy anaerobic  
2 digestion of food waste.

3           We need to develop GHG quantification tools for  
4 recycling and especially for organics to provide methods  
5 for local government and industry to estimate their GHG  
6 reductions. These tools must be recognized by the Air  
7 Resources Board.

8           And there is need for more protocol development  
9 so that projects can meet the rigorous standards of  
10 offsets and then can be recognized and incentivized.

11                               --o0o--

12           STATEWIDE TECHNICAL & ANALYTICAL RESOURCES

13 DIVISION CHIEF SMYTH: So the key issues for the Waste  
14 Board. Since most recycling in waste management measures  
15 are not included in the total reductions towards the 2020  
16 target, it will be critical to understand the significance  
17 of this as related to implementation of the measures.

18           For example, I wider range of incentives,  
19 including financial incentives, should especially be  
20 considered for measures not included in the total 2020  
21 target, such as allowances, allowance set-asides, revenue  
22 from sale of allowances, offsets fees, et cetera. And all  
23 of these are yet to be determined.

24           Revenue for fees, for example, could stimulate  
25 the development and implementation of green technologies

1 such as anaerobic digestion, commercial recycling,  
2 increased composting, and extended producer responsibility  
3 that provides a vital framework towards California's  
4 carbon-neutral future.

5 Authority to implement measures. Assuming that  
6 ARB will ask the CAT sector agencies and the BDOs to lead  
7 on implementing sector measures, it will be important that  
8 ARB use its broad authority under AB 32 to provide  
9 sufficient implementation authority to these lead  
10 entities. Alternately, important collaborative decisions  
11 will be to determine when the ARB will seek or have other  
12 entities seek additional legislation to implement specific  
13 measures.

14 Implementation approach. Whether voluntary,  
15 mandatory, or a hybrid approach will be critical and the  
16 subject of much debate.

17 Will the implementation of proposed measures be  
18 fueled by financial incentives or mandated through a  
19 regulatory approach? For example, to achieve increased  
20 diversion of traditional recyclables from the commercial  
21 sector, a variety of implementation approaches may be  
22 needed. While commercial recycling may be achieved  
23 initially through a voluntary implementation approach, it  
24 may require mandatory recycling if voluntary measures  
25 prove ineffective. A hybrid or a phased-in approach might

1 also be effective.

2 Voluntary measures would protect the potential  
3 opportunity of local jurisdictions to seek carbon trading  
4 offsets in the event that recycling protocols are  
5 developed. Carbon trading offsets would provide essential  
6 economic incentives for a local government. Whereas  
7 mandated approaches, such as regulations, would realize  
8 more immediate results but might -- depending on what the  
9 ARB decides how to address this, they might disqualify the  
10 local jurisdictions from seeking carbon trading offsets.

11 In addition, increasing recycling opportunities  
12 would require enhanced market development to utilize the  
13 feedstocks from commercial recycling.

14 We still have work to do to address some of the  
15 uncertainties related to costs and/or cost effectiveness.  
16 And, for example, we are bringing a contract award to the  
17 Board this week that is an economic study to support the  
18 commercial recycling measure. The Board's ability to  
19 implement measures it is responsible for will also depend  
20 on the availability of sufficient resources, both for  
21 personnel and needed research. The ARB will need to  
22 include sufficient funding for Waste Board personnel needs  
23 when developing administrative fees to support AB 32  
24 through the fee rule-making process.

25 --o0o--

1 STATEWIDE TECHNICAL & ANALYTICAL RESOURCES

2 DIVISION CHIEF SMYTH: And our next steps. We will  
3 continue to work with the Air Board on all of these issues  
4 we have just talked about - authority, implementation,  
5 resources. We will continue to review the proposed  
6 scoping plan, appendices, and supplemental documents. We  
7 will complete work on our key supporting contracts, like  
8 the life cycle assessment, the economic study for  
9 recycling, the C-CAM project with their institute of local  
10 government. And we will continue to participate on seven  
11 CAT Subgroups. We will facilitate the implementation of  
12 all of our proposed measures.

13 --o0o--

14 STATEWIDE TECHNICAL & ANALYTICAL RESOURCES

15 DIVISION CHIEF SMYTH: We will continue to monitor and  
16 participate in protocol development. There's co-digestion  
17 and community operations protocol development. And we  
18 will be pursuing composting and recycling protocol  
19 development. We'll continue to serve on a technical  
20 advisory group for the Chicago Climate Exchange. And we  
21 will participate with the Air Resources Board and the  
22 CAPCOA composting working group and work with U.S. EPA on  
23 climate change activities.

24 --o0o--

25 STATEWIDE TECHNICAL & ANALYTICAL RESOURCES

1 DIVISION CHIEF SMYTH: And before we go to questions, I'd  
2 just like to acknowledge the core team of members that  
3 make the Waste Board what we really are in terms of  
4 climate change. All of these activities would not be  
5 happening without their help.

6 Scott Walker and Stephanie Young from Compliance,  
7 Clark Williams and Teri Wion from my shop, and Kaoru and  
8 Jennifer from LAM. And we could just not do this work  
9 without them. So thank you all very much.

10

11 CHAIRPERSON BROWN: I don't think that's enough  
12 people. Wouldn't you rather have like 10 or 15 or maybe  
13 30 back?

14 STATEWIDE TECHNICAL & ANALYTICAL RESOURCES

15 DIVISION CHIEF SMYTH: Oh, yeah.

16 CHAIRPERSON BROWN: But you're doing an awesome  
17 job. Thank you very much.

18 COMMITTEE MEMBER PETERSEN: Bravo.

19 CHAIRPERSON BROWN: I don't know if we have any  
20 questions.

21 Do have some speakers. So we can have the  
22 speakers come up. And then we can follow up with  
23 questions.

24 Our first is Arthur Boone.

25 MR. BOONE: My name is Arthur Boone. I represent

1 the Northern California Recycling Association.

2 And not too long ago the Governor said that he  
3 was going to have a million solar roofs. Remember that?  
4 You know how many solar roofs there are in California  
5 right now? 35,000.

6 So if you're a solar installer, that means you're  
7 going to have 35 times more business than you have today.  
8 Isn't that an exciting piece of news?

9 If you were in the solar installation business,  
10 you'd be really happy that the governor said that.

11 What does this Board say about how much more  
12 recycling we're going to do?

13 It doesn't really say anything. It says we're  
14 going to study it. In September of 2005, one of your  
15 staff persons came here and said that the climate action  
16 team had assigned three duties to the Integrated Waste  
17 Management Board. One was 50 percent recycling, which you  
18 did. Second was landfill methane capture, which you have  
19 worked on. And the third was zero waste, high recycling.  
20 And the staff basically buried that for a two-year.

21 In two years -- I spent the last two weeks  
22 reading all of the minutes of this Board and this  
23 Committee and the other committee that has been -- Market  
24 Development Sustainability Committee. And I did not find  
25 any discussion of this topic for a two-year period. It

1 started getting heated up again.

2 CHAIRPERSON BROWN: Mr. Boone, have you checked  
3 out all the transcripts for all of the ARB, where our  
4 staff has been participating --

5 MR. BOONE: I don't think they've been to all the  
6 ARB meetings.

7 CHAIRPERSON BROWN: Have you been to all of the  
8 CAT Subgroup meetings where our staff has been part of  
9 them and has been leading --

10 MR. BOONE: No, I haven't done that.

11 CHAIRPERSON BROWN: That's where you need to  
12 look, because that's where the work is being done. And  
13 the Air Resources Board is the lead agency for AB 32, and  
14 we are working collaboratively with them. And I can tell  
15 you, as part and leading several of the CAT Subgroups,  
16 that is where you need to look, because that's where the  
17 work is being done. And I take --

18 MR. BOONE: I'll go home and read them.

19 CHAIRPERSON BROWN: -- I take great offense on  
20 behalf of my staff or the organization's staff that you're  
21 inferring that they have done nothing for two years. And  
22 that is not the case.

23 MR. BOONE: Okay.

24 CHAIRPERSON BROWN: So I have to step up and  
25 correct you on that.

1 MR. BOONE: Okay. I'll take that.

2 Thank you.

3 But we still don't see much yet from the Board in  
4 concrete stuff. If I was a solar installer, I'd be much  
5 happier than if I'm a recycler today.

6 Thank you.

7 CHAIRPERSON BROWN: Well, I can say that we have  
8 done great things in the recycling industry. And I know  
9 that we have an Air Board representative here, and they  
10 have been doing quite a bit of work on behalf -- and thank  
11 you again to our staff for what you have been doing on  
12 behalf of the Integrated Waste Management Board. We have  
13 achieved our first strategy. We are part of an early  
14 action measure that's been adopted by the Air Resources  
15 Board. And we continue to work on our third strategy.

16 Our next speaker, Rachel Oster.

17 MS. OSTER: Hi. Rachel Oster with NorCal Waste  
18 Systems.

19 First I just want to say that I'm pleased to see  
20 the California Air Resources Board recognizing all the  
21 potential reductions from our sector. It's good to see.  
22 Although we would like to see the reductions count towards  
23 the total reductions expected in AB 32. Unfortunately  
24 that wasn't in there.

25 My first comment is that I would like to urge the

1 Waste Board to work with the California Air Resources  
2 Board in making commercial recycling mandatory. I think  
3 this is going to go a long way towards reaching those  
4 reduction goals. Of course, we can't fully quantify those  
5 goals without a protocol. So it was good to see that  
6 protocol is in there. We've already worked on a methane  
7 one from landfills. We're working on a co-digestion one.  
8 It seems like recycling and composting are the next steps.  
9 So it would be good to see a quantification tool for  
10 those.

11 I also wanted to make a comment about the  
12 anaerobic digestion. I think that we're focusing the  
13 benefits of this technology to the energy generating  
14 benefits. The residuals that come off of this process  
15 also have potential to greatly reduce greenhouse gases as  
16 the feedstock to the composting process. So moving  
17 forward, I'd like to see residuals management be a part of  
18 that discussion from anaerobic digestion.

19 Thank you.

20 CHAIRPERSON BROWN: Thank you, Rachel.

21 And our last speaker today is Chuck White.

22 MR. WHITE: Good afternoon. Chuck White with  
23 Waste Management.

24 John Cupps wanted me to get up and start talking  
25 about carbon sequestration, but I promise you I'm not

1 going to.

2 (Laughter.)

3 MR. WHITE: Although every time Brenda mentions  
4 it, I really get real excited, so I have to tell you.

5 (Laughter.)

6 MR. WHITE: No, I'm here just to mention one  
7 thing. I've had extensive conversation with John  
8 Costantino about -- one area of the scoping plan that we'd  
9 like to see pumped up a little bit is have the Air Board  
10 make clear distinction biogenic emissions of CO2 and  
11 anthropogenic emissions of CO2. It's really not clearly  
12 stated. It'd be nice to really know that when we put in  
13 investments in anaerobic digestion technologies or  
14 investments in landfill gas to produce energy or fuel, the  
15 CO2 that comes off that is not treated the same as fossil  
16 fuel CO2 where we've been basically digging up fossils,  
17 you know, that have been buried millions of years and  
18 producing CO2. This kind of CO2 is part of the near-term  
19 carbon cycle and just is the -- should not be counted --  
20 that's consistent with the IPCC, the World Resources  
21 Institute. I think the Governor's Bioenergy Action Plan  
22 contemplates moving from fossil fuel-based energy to a  
23 biogenic type of energy for precisely this reason.

24 It would be nice for the scoping plan, hopefully  
25 with the support of this Board, to really clearly indicate

1 there's a clear distinction between biogenic emissions of  
2 CO2 and anthropogenic emissions of CO2.

3 Otherwise I really appreciate the work that your  
4 staff is doing, and the Air Resources Board. And every  
5 time Brenda mentions carbon sequestration, I'll be paying  
6 attention.

7 Thanks.

8 (Laughter.)

9 CHAIRPERSON BROWN: Thank you, Chuck. I think we  
10 got the message.

11 I'm not going to put you on the spot, John, to  
12 answer that. Just assume that you've taken those comments  
13 and we'll share them back with Mary and the rest of the  
14 Air Board on behalf of our Board, who is part of the  
15 Bioenergy Interagency Working Group.

16 So I think we probably would support Chuck's  
17 comments, especially because there's so much energy  
18 potential from landfill gas and other waste diversion  
19 efforts. So we'd like to see those considered in that  
20 manner.

21 Any other questions?

22 Comments?

23 COMMITTEE MEMBER PETERSEN: This has been grand.

24 CHAIRPERSON BROWN: It's been grand.

25 Thank you.

1 Cheryl, did you have anything?

2 Howard, thank you very much.

3 Brenda, Clark, the whole team. Thank you very

4 much for your yeoman's effort and continued commitment to

5 AB 32.

6 This meeting is adjourned.

7 (Thereupon the California Integrated Waste

8 Management Board, Strategic Policy Development

9 Committee meeting adjourned at 4:28 p.m.)

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